



Department
for Environment
Food & Rural Affairs



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk



Llywodraeth Cymru
Welsh Government



Scottish Government
Riaghaltas na h-Alba

Call for evidence on reforming the producer responsibility system for waste electrical and electronic equipment

Date: 28 December 2023

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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weee@defra.gov.uk

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Contents

Purpose of this call for evidence.....	5
Geographical extent and definitions.....	5
Audience	6
Responding to the call for evidence	6
Duration	7
After the call for evidence has closed.....	7
About you.....	7
Areas on which we want your views and evidence	9
1. Full net cost recovery.....	9
Background	9
Case for change.....	9
Areas on which evidence and views are sought.....	11
Questions	12
2. Allocation of costs for the collection and treatment of household WEEE	13
Background	13
The case for change	14
Alternative Approaches	14
Questions	15
3. Prevention of waste and increasing re-use of unwanted electrical and electronic equipment... 15	15
Background	15
Case for change.....	16
Areas on which evidence and views are sought	17
Questions	18
4. Moving to a circular economy through the design of better products and business models..... 20	20
Background	20
Case for change.....	20
Areas on which views and evidence are sought	20
Questions	22
5. Increasing collections of business WEEE.....	24
Background	24
Case for change.....	24
Areas on which views and evidence are sought	24
Questions	25
6. Improving treatment standards.....	27
Background	27

Case for change.....	27
Areas on which views and evidence are sought	29
Questions	30
Consolidated list of questions.....	32
Full net cost recovery.....	32
Allocation of costs for the collection and treatment of household WEEE	33
Prevention of waste and increasing re-use of unwanted electrical and electronic equipment.....	33
Moving to a circular economy through the design of better products and business models.....	35
Increasing collections of business WEEE	36
Improving treatment standards.....	38
Glossary.....	40
List of evidence sources	42

Purpose of this call for evidence

The purpose of this call for evidence is to gather evidence and views to support reforms to the Waste Electrical and Electronic Equipment Regulations 2013 that go beyond the specific proposals set out in the accompanying consultation and impact assessment that were also published today. The evidence sought here will inform wider policy development intended to support the drive towards a more circular economy and Net Zero commitments by ensuring products are designed and discarded in a way that lowers environmental impacts.

This call for evidence considers areas for reform where currently a lack of evidence precludes detailed policy proposals from being developed. We have set out a number of ideas on which we welcome your views and supporting evidence. Those hypotheses do not represent agreed government policy. Nevertheless, government is committed to developing policy in these areas at the same time as implementing policies set out in the consultation document.

As well as responding to this call for evidence you are also encouraged to respond to the separate consultation document and impact assessment published today. These set out detailed proposals for reforms relating to the provision of a new collection infrastructure for household waste electric and electronic equipment (WEEE) financed by producers of electrical and electronic equipment and strengthen obligations placed on retailers (including online sellers). Finally, it proposes new obligations on online marketplaces and measures designed to ensure importers and manufactures of vapes properly finance recycling costs when they become waste.

The ideas set out in this call for evidence will need further development and consultation before policy proposals can be implemented. This means that not all the reforms will be made at the same time. Indeed, it is envisaged that reforms will be phased starting potentially as early as next year with the consultation document measures on online marketplaces, free collection of large domestic appliances by retailers on delivery of a new item and the introduction of a new electric and electronic equipment (EEE) category for vapes. The start of the rollout of the household collection system is anticipated from 2026, along with the other measures sets out in the consultation document. It is anticipated that policy proposals arising from the call for evidence will be phased in over a longer timeframe.

This is a joint consultation between the UK Government and the devolved administrations. Devolved administrations is a collective term for the Northern Ireland Executive, the Scottish Government and the Welsh Government.

Geographical extent and definitions

Producer responsibility and waste policy are devolved matters. The UK Government (acting for England) and the Devolved Administrations of Northern Ireland, Scotland and Wales have agreed to continue with a UK-wide approach to WEEE Extended Producer Responsibility. Accordingly, this call for evidence is being undertaken jointly by the UK Government, the Scottish Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

In Northern Ireland, the outcome of this call for evidence will inform decisions of an incoming Minister for Agriculture, Environment and Rural Affairs, or in the absence of a minister, those decisions that can be taken under the Northern Ireland (Executive Formation etc) Act 2022.

Where reference is made in this document to the UK Government in relation to matters of devolved policy, it is the UK Government acting for England. This document and descriptions of existing law therefore relate to England, Scotland, Wales and Northern Ireland.

Reference to 'the regulator' or 'regulators' are references to the Environment Agency (EA), the Northern Ireland Environment Agency (NIEA), Natural Resources Wales (NRW) and the Scottish Environment Protection Agency (SEPA) unless stated otherwise.

Reference to 'Local Authorities' includes district councils in Northern Ireland.

Audience

Responses to this call for evidence are welcomed from:

- businesses involved in the design, production and specification of electronic and electrical products
- businesses who manufacture electronic and electrical products and who place these products on the UK market
- retailers, online marketplaces and importers of electronic and electrical products
- electronics Producer Compliance Schemes
- organisations involved in the re-use sector
- organisations involved in the management and recycling of electronic waste including Local Authorities, waste management companies, brokers, dealers, carriers, exporters, and re-processors
- other organisations such as professional and membership organisations, Non-Governmental Organisations, consultants and charitable organisations who have an interest in how electronic waste is managed in the UK
- members of the public

Responding to the call for evidence

Please respond to this call for evidence in one of the following ways:

Online using the [Citizen Space consultation hub](#).

For ease of analysis, responses via the Citizen Space platform would be preferred, but alternative options are provided below if required:

By email to weee@defra.gov.uk

Written responses by post to:

Consultation Coordinator,
Defra 2nd Floor, Foss House,
Kings Pool 1-2 Peasholme Green
York
YO1 7PX

Please note, any responses sent by post must have arrived at the above address by the closing date of the consultation to be counted. Unfortunately, we cannot analyse any responses received after this date. To ensure your response is included in the analysis, please consider responding online via Citizen Space.

Defra is managing the consultation process on behalf of the UK, Scottish and Welsh Governments and the Department for Agriculture, Environment and Rural Affairs in Northern Ireland.

The Scottish and Welsh Governments will have access to the responses provided via the Citizen Space consultation hub. If you would like to send a copy of your response to the Scottish and/or Welsh Governments, then please send by email to:

Scotland: producerresponsibility@gov.scot

Wales: ResourceEfficiencyAndCircularEconomy@gov.wales

If you are responding from Northern Ireland please ensure a copy of your response is also sent to: EPRTeam@daera-ni.gov.uk

Duration

This call for evidence will run from Thursday 28th December 2023 and closes on Thursday 7th March 2024.

After the call for evidence has closed

A summary of the responses to this call for evidence and the government response will be published and made available on government websites at www.gov.uk/defra, www.daera-ni.gov.uk, www.gov.scot and www.gov.wales

The summary will provide a list of organisations that responded but will not include personal names, addresses or other contact details. Information provided in response to this call for evidence document, including personal information will, however, be shared with the Devolved Administrations. It may also be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes for example, the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018.

If you would like any information, including personal data you provide to be treated as confidential, please say so clearly in writing when you submit your response to the call for evidence and explain why you require these details to be kept confidential.

If we receive a request for disclosure under the FOIA, we will take full account of your explanation, but due to the law we cannot provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

Defra is the data controller in respect of any personal data that you provide. Defra's Personal Information Charter, which gives details of your rights in respect of the handling of your personal data, can be found at: <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>

About you

A wide range of businesses, organisations and individuals are involved with or take an interest in electricals and managing waste electricals. The questions below are intended to grasp this diversity and put your responses in perspective with those of other respondents.

Q1. What is your name?

Q2. What is your email address?

This is optional, but if you enter your email address you will be able to return to edit your response in Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you submit a completed response.

Q3. Which of the following best describes you?

Please provide the name of the organisation, institution or business you represent and an approximate size/number of staff (where applicable). (Please tick one option. If multiple categories apply, please choose the one which best describes the organisation you are representing in your response.)

- trade body or other business representative organisation
- electronic producer
- Producer Compliance Scheme
- distributor (including online marketplace)
- waste management company
- waste operator or re-processor
- exporter
- local government
- community group
- non-governmental organisation
- charity or social enterprise
- re-use or repair operator
- consultancy
- academic or research
- individual (ie not representing an organisation)
- other
- If you answered 'Other', please provide details:

Q4. Would you like your response to be confidential?

Answer Yes or No

If you answered 'Yes', please briefly explain why you require your response to be confidential.

Areas on which we want your views and evidence

1. Full net cost recovery

Background

A key principle of extended producer responsibility (EPR) is that producers (predominantly importers and UK based manufacturers) cover the full net cost of managing the products they place on the market when they become waste. These are set out further below.

The cost of collection and proper treatment of all WEEE arising at Local Authority Household Waste and Recycling Centres (HWRCs) is already financed by producers. Producers are also required to finance the cost of treatment of WEEE returned to Producer Compliance Schemes (PCS) by retailers. Additionally, treatment of WEEE arising at re-use charities is often financed by producers, although there is not an explicit requirement for them to do so in the current regulations. Fees are also charged by the environmental regulators in each part of the United Kingdom on a cost recovery basis to ensure effective compliance monitoring and enforcement of the regime. Producers who place less than 5 tonnes of EEE on the UK market per year are exempt from these financial obligations and simply need to report annual placed on the market data to their environmental regulator.

Schedule 5 of [the Environment Act 2021](#) provides the UK Government with a general power to place obligations on producers to cover a range of costs associated with the disposal of a particular waste stream. Where such obligations are applied, it should be done fairly, be cost reflective and recognise the particular circumstances and collections systems in place for specific types of waste.

Case for change

As part of our commitment to ensure the future WEEE system is compatible with our broader EPR framework, this chapter seeks views and evidence on whether producers should cover other costs associated with the disposal of WEEE, beyond those that they are currently obligated to finance.

The case for change in this call for evidence is framed in terms of a number of ideas, or initial proposals, based on current understanding. We welcome evidence and views on these which will be used to develop and take forward firm proposals, as appropriate.

The accompanying consultation document to this call for evidence sets out proposals for the separate collection of WEEE from households and accompanying communications to be funded by producers. In addition, the consultation document sets out proposals to establish a new producer-led Scheme Administrator, which may be responsible for delivering this household collection system, along with data collection and monitoring and evaluating the effectiveness of the new system.

In summary producer obligations can be categorised as follows:

1. Existing financial obligations:

- a. The cost of collection and proper treatment of all WEEE arising at Local Authority Household Waste and Recycling Centres (HWRCs) and waste transfer stations.
 - b. The cost of treatment of WEEE returned to PCS by retailers.
 - c. Cost of collection at Local Authority collection facilities and treatment of fly-tipped household WEEE
 - d. Provision of data to local authorities to support their waste data reporting obligations.
 - e. Costs associated with takeback obligations incurred by distributors
 - f. Costs associated with registration and compliance monitoring systems and operations by the regulators.
2. New financial obligations arising from the policy proposals in the consultation:
- a. Capital, overhead and operational costs associated with providing a household collection service for small waste electricals
 - b. Capital, overhead and operational costs associated with providing a household collection services for bulky waste electricals
 - c. Costs associated with communications and campaigns, both locally and nationally aimed at householders, to raise awareness and thus increase collection rates and levels of re-use and recycling and to minimise inappropriate disposal of WEEE, such as through the residual waste stream.
 - d. Costs associated with undertaking data collection, reporting and analysis to assess the impact of the new regulations (eg provision of placed on the market data, WEEE collected data, regular sampling to determine future levels of WEEE in residual waste)
 - e. Cost of operating a Scheme Administrator to perform specific functions specified in the revised regulations
 - f. Costs incurred by producers arising from creation of a separate category of equipment for vapes
 - g. Costs arising from the creation of a new category of producer for Online Marketplaces.
 - h. Additional costs incurred by distributors arising from strengthened takeback obligations
 - i. Additional costs incurred by the regulator in each nation in undertaking compliance monitoring and enforcement activities associated with the proposed new obligations

The Environment Act 2021 also gives us flexibility to introduce other costs including those incurred in relation to products or materials that have been disposed of unlawfully. In the context of WEEE, this may include:

- Capital, overhead and operational costs associated with providing a collection service for businesses and public institutions
- Costs of collection and treatment of WEEE improperly discarded in the residual waste stream.
- Costs of collection and treatment of WEEE which has been littered, with disposal vapes a case in point.
- Costs of clean up of fly-tipped WEEE.

We therefore welcome views and evidence on the extent that the bulleted measures above should form part of the full net cost recovery model for WEEE.

Areas on which evidence and views are sought

- That producers cover the costs of collection/clean-up of WEEE contained in residual, fly-tipped and littered waste.

Costs of collection and treatment of WEEE in residual waste

We welcome evidence (including cost data) and views on requiring producers to finance the collection and treatment of household WEEE disposed with residual waste (ie “black bag waste”).

It could be argued that producers should take full financial responsibility for products they place on the market, regardless of the discard route chosen by the householder. Including the costs of collection and treatment of WEEE in the residual waste stream could incentivise producers to design and manufacture products which move within re-use and repair loops, in turn creating circular services to manage the product. Not including these costs could have unintended consequences for example by disincentivising producers from encouraging WEEE to be shifted from residual waste to recycling or preparation for re-use through effective communications.

However, it could also be argued that if Local Authorities will in any event receive producer funding for the cost of processing WEEE in residual waste, then they may be less inclined to support the implementation of the producer-led household collection system, on which we are currently consulting.

It is arguably the case that householders must themselves take personal responsibility for dealing appropriately with their waste electricals. Unlike packaging for example, household electricals tend not to be transient and can all be recycled thereby providing for a simple communications message to householders to do the right thing. This is against a backdrop in which producers would in future be financing the costs of convenient, separate household collection of WEEE that is commonly disposed of in residual waste today along with necessary communications to households about those WEEE collection and recycling services.

Costs of littered and fly-tipped WEEE

The packaging waste reforms will extend producer responsibility to the costs of packaging disposed of in street bins and communication campaigns on litter across the UK. The Scottish and Welsh Government’s policy is to recover costs of packaging littered on the ground from producers of packaging and their Governments will come forward with proposals for implementing this in due course.

Of the 976,000 incidents of fly-tipping reported in 2019/20, 5% included white goods and 1.5% included other electricals. The WEEE Regulations already ensure that the cost of transport away from the Local Authority area and proper treatment of fly-tipped household WEEE is met by producers. We will explore how this provision can be extended to non-household EEE in future proposals for reform of the non-household financing obligations placed on producers. The provision of effective communications and free-of-charge collections, financed by producers, from the home should negate any perception that fly-tipping is a convenient way to get rid of unwanted electricals. Those measures should therefore result in a reduction of fly-tipping, which is a criminal offence, by householders or those disposing of household waste on their behalf.

However, there remains a question as to whether liability for clean-up of fly-tipped WEEE should fall on producers. The same principle can be applied for the management and clean-up of littered WEEE, with vapes a particular issue. Electrical equipment, mostly, is not designed to be consumed and discarded “on the go” and as such does not generally contribute to littering when it becomes waste. As with residual waste, including these costs may mean producers are further incentivised to design and manufacture products which move within re-use and repair loops, in turn creating circular services to manage the products.

We welcome evidence (including costs) and views on whether the full cost of collection and treatment of residual, fly-tipped and littered WEEE, cleared by Local Authorities, should be met by producers.

When collating your responses, please highlight any evidence sources that you think we should consider.

Questions

5. Considering the points for and against set out in the call for evidence, please select which of the following activities producers should finance the cost of:
 - a) WEEE in the residual waste
 - b) Fly-tipped WEE
 - c) Littered WEEE
6. Please provide evidence of the volume (tonnes) of WEEE arising at UK level and/or by nation level in residual waste.
7. Please provide evidence of the volume (tonnes) of WEEE arising the UK level/and or by nation that has been fly-tipped.
8. Please provide evidence of the volume (tonnes) arising at UK level and/or by nation that has been littered.
9. Please provide evidence of the net costs per tonne for collection of WEEE arising in residual waste.
10. Please provide evidence of the net costs per tonne for collection of WEEE that has been fly-tipped.
11. Please provide evidence of the net costs per tonne for collection of WEEE that has been littered.
12. Please provide evidence of the types of WEEE commonly discarded in the residual waste stream.
13. Please provide evidence of the types of WEEE commonly fly-tipped.
14. Please provide evidence of the types of WEEE commonly littered.

2. Allocation of costs for the collection and treatment of household WEEE

Background

The WEEE Regulations require the producers of household equipment to take collective financial responsibility for the environmental impact of the products that they place on the market when those products become waste.

Setting of annual household collection targets are the mechanism within the existing regulations which enables financial obligations to be placed on producers to ensure WEEE is collected and treated properly. Producers, via membership of their PCS, either meet this financial obligation by collecting WEEE, paying a “compliance fee” in lieu of the costs incurred from undertaking collections or a combination of both.

If targets are not met, then PCSs must pay a compliance fee, as an alternative form of compliance, and thus pay their avoided costs. Funds raised are used to support communications campaigns aimed at householders, local projects designed to increase levels of collection for re-use and recycling and research.

Targets on WEEE processors for recovery, recycling and re-use of separately collected WEEE are covered in **Chapter 6 on treatment standards** of this call for evidence.

Setting targets on an annual basis allows for adjustments to take account of market trends and technology changes that impact on levels of WEEE being discarded. Some stakeholders have raised concerns that this short-term approach to target setting can lead to lack of certainty for business and confidence in making longer-term contractual relationships and investments. We therefore invite views on whether we should adopt a longer-term approach in future. Targets are set on a UK-wide basis by the Secretary of State in consultation with devolved administrations. Data is collected and reported on a UK-wide basis but there is currently no breakdown of data reported at individual nation level. The devolved administrations are keen to ensure that impacts of the future regulations can be assessed within each nation and take action should that impact fall below minimum requirements.

The current system has not led to substantial increases in separately collected household WEEE. We know that significant volumes are hoarded, discarded with residual waste or treated outside the current producer financed system. This is not just a UK problem. Member States of the EU generally have been unable to meet the 65% of EEE placed on the market target that has been in force since 2019. Whilst easy to measure, reliance on these targets as the foundation of driving change in consumer behaviour has had very limited success. Furthermore, the link between what we buy and what we throw away, which is a feature of EU legislation, is not a direct one which makes any system of collection targets based on what is placed on the market likely to be a flawed measure of success. Our departure from the EU presents an opportunity to consider other ways of driving good environmental outcomes via better regulation.

Aside from targets, there is strong evidence that properly resourced engagement with consumers, supported by an accessible infrastructure, delivers significant improvements in collections in a number of European countries.

Instead of collection targets, we therefore want to focus on developing the necessary infrastructure. Chapter 1 of the accompanying consultation document seeks views on Government proposals intended to make it much easier for householders to send unwanted

items for re-use or recycling thereby driving down the levels of WEEE in residual waste, hoarded at home or discarded illegally. This new collection infrastructure would be supported by appropriate producer funded communications to raise awareness on options to consumers for the proper disposal of WEEE.

The case for change

We welcome evidence and views on replacing the current annual target setting process with a mechanism in which a forecast of WEEE arisings in each of the categories of EEE is published to replace the current targets-based approach. That forecast could be based on initial proposals by the WEEE Scheme Administrator and subsequently developed and mandated by Government. The forecast would then be translated into financial obligations placed on a PCS according to the market share of the membership across each of the categories of EEE. However, unlike a target, the forecast would be an objective assessment of WEEE likely to arise and collections against that forecast would not be a key performance indicator against which to measure success. Views on potential alternative measures of success are sought in Chapter 5 of the accompanying consultation document.

A compliance fee mechanism would remain for those schemes who fail to meet their obligations in any single year although producers and PCSs should be encouraged to secure physical collections rather than rely on the compliance fee to meet their obligations. The existing arrangement guarantees that Local Authorities have all their WEEE collected, and that this will be funded by PCSs, even when financial obligations set at the start of the year had been met and would also remain.

We welcome evidence and views on establishing a rolling 3-year process for setting the financial obligations of producers. Whilst setting future direction, it would nevertheless have to be reviewed annually to take account of market changes which may act to reduce its effectiveness. Nevertheless, some stakeholders have suggested it could help address concerns about issues of short termism in the marketplace and uncertainty about future supply of material which act to constrain new investment. We welcome evidence on whether such an approach could help to alleviate concerns expressed by the treatment sector about the current annualised approach.

We would welcome evidence and views on whether changes to the WEEE code of practice to require a minimum three-year contract duration between PCS and Local Authority DCF operators could also help overcome the concerns about the current annualised approach.

Alternative Approaches

Finally, we welcome evidence and views on whether there is appetite for more wholesale change to the system with financial obligations in the future being based on an “allocation system”. Under this approach PCSs would be allocated to Local Authorities, distributors and other economic operators that have WEEE in one or more of the collection streams that they wish to hand over to PCSs for treatment.

The financial obligation placed on producers would continue to be based on market share and the amount of WEEE arising in the system in any compliance period. A forecast would be used to set tonnage obligations for PCS.

Producers could continue to make arrangements with their PCS to use tonnages collected via their own direct collection systems to offset their obligations financed by the PCS. Direct

collections above those required to fulfil their own obligations would be included in the matching process. This approach was considered in the [last consultation on reforming the WEEE producer responsibility system in 2012](#). Following the outcome of that consultation, such an approach was not adopted, but we would welcome views on the merits of looking again at this approach.

Questions

15. Do you agree or disagree that we should establish a rolling 3-year process for setting the financial obligations of producers to create more certainty in the system? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure
16. Please provide evidence of whether or not setting a rolling three-year forecast would provide more certainty in the system and act to encourage increased investment by the treatment sector.
17. Please provide evidence of whether or not a three-year forecast to set financial obligations be supported by a three-year minimum PCS-DCF contract duration in order to encourage increased investment by the treatment sector?
18. What are your views on the idea of establishing an allocation system as an alternative way to set financial obligations on producers and guaranteeing the financing of Local Authority collections?
19. Please provide evidence on the estimated costs and monetised benefits of both establishing and operating such a system.
20. Please provide evidence of any other alternative approaches, not described in Chapter 2, which you think could be suitable for allocating financial obligations on producers.

3. Prevention of waste and increasing re-use of unwanted electrical and electronic equipment

Background

We are committed to policy interventions that prioritise prevention of waste including re-use over recycling where possible, in line with the waste hierarchy. To further this aim, the UK Government published a new Programme, titled '[Maximising Resources, Minimising Waste](#)', in July 2023 which outlines proposed actions to prevent waste arising in seven key sectors (construction, furniture, vehicles, food, plastic packaging, textiles, and electronics).

The proposals in the consultation document that place enhanced takeback obligations on distributors and the introduction of producer-led household collection system from the home will increase levels of re-use over recycling. However, we want to explore what more can be done.

There are various ways in which greater re-use of unwanted equipment can be facilitated and encouraged. These include designing products to last longer and to be more easily repairable

(for example, with modular components) and diverting unwanted working equipment away from waste sites (for example, to charities).

Both the Scottish and Welsh Governments have committed to [support repair and re-use hubs](#), including repair cafes. In Northern Ireland, DAERA funding assisted the establishment of the Northern Ireland Resource Network to provide support to organisations to move resources further up the waste hierarchy and to promote re-use and repair as alternative methods of dealing with our resources.

Producers who do not meet their collection targets are obligated to pay a compliance fee. Funds raised by the compliance fee are managed and disbursed by an independent organisation called Material Focus and is used to support numerous local reuse initiatives. Monies raised by the Distributor Takeback Scheme – a scheme which allows some retailers to opt out of their obligation to offer in store take back of WEEE – has also been used to support Local Authority projects aimed at encouraging reuse.

The regulations currently state that preparation for re-use must be prioritised by PCSs. Collection of WEEE for preparation for re-use is counted by PCSs towards collection targets along with that which is collected for recycling.

In addition, many retailers who offer take back of unwanted EEE from consumers in their stores or via their collection on delivery services will ensure that that material is diverted for re-use where appropriate.

Case for change

There is already a significant amount of re-use, including through online marketplaces and through consumers passing their old items onto family members or friends. But some products suitable for re-use are recycled, incinerated or landfilled. Some products may never be used at all, possibly because of overstocking or returns of on-line sales.

This review is an opportunity to support the drive towards the circular economy by championing higher levels of re-use and thus ensuring products stay in use longer.

Whilst PCSs have an obligation to prioritise re-use of whole appliances over recycling, in line with Regulation 30 of the WEEE Regulations, there is little evidence to understand the extent to which that actually happens. Anecdotal evidence suggests PCSs will often be constrained by the facilities provided at Local Authority Household Waste and Recycling Centres (HWRCs) which may not be conducive to protecting equipment such that it could be re-used. The system does however reward PCSs for prioritising re-use by allowing WEEE collected for re-use to be counted towards collection targets. It is also worth noting the inherent commercial incentives in selling functional, used equipment versus the cost of sending that equipment for recycling.

There is a data gap on the level of re-use across the economy in the many circumstances in which electrical equipment is not received as waste before being re-used.

Local Authority HWRCs are increasingly using measures to segregate items for re-use through on-site shops and partnerships with local re-use charities. However, items diverted to those re-use outlets will typically **not** be captured by the WEEE system and there is no data available to us since it is not deemed to be waste (although some Local Authorities and recycling centres may be capturing this data)

Our ability to ensure more WEEE is re-used is contingent on ensuring that it is managed in a way that supports re-use. Therefore, we need to consider measures to encourage re-use of

WEEE in relation to both our existing collection infrastructure and our proposals to expand this infrastructure through household collection and enhanced retailer obligations and to maximise opportunities for re-use through these collection networks.

Areas on which evidence and views are sought

We welcome evidence on how the existing system could better support greater prioritisation of re-use in line with the waste hierarchy. We consider that there are four measures that could be incorporated into future regulations but lack evidence on the likely costs and benefits of each one to support further policy development:

- That giving higher weighting to tonnage collected by PCSs for re-use (or preparation for re-use) towards their collection targets than tonnage collected for recycling would incentivise more collections for re-use (or preparation for re-use).

This might mean that a tonne of WEEE collected for re-use (or in preparation for re-use) could count for example as 1.5 tonnes towards collection obligations under this model. The starting point is that all WEEE arising from local authorities and retailer take back channels will be collected and financed by producers. PCSs are set an obligation expressed in tonnes of WEEE that they need to finance. But under this principle, if a PCS had a financial obligation of say 90 tonnes but its entire collections were sent for re-use (or preparation for re-use) they would only need to finance 60 tonnes to have met their financial obligation. Further evidence will be needed to establish the extent to which tonnage collected for re-use tonnage should be modulated to reflect the higher environmental value of re-use over recycling. It would have to be set at a level that incentivised PCSs and their partners to ensure re-use (or preparation for re-use) was actively considered in their approaches to collection, transport and handling of WEEE. It would also be necessary to ensure robust measures were put in place to prevent fraudulent evidence being issued for re-use (or preparation for re-use).

- That we should introduce new targets for the re-use (or preparation for re-use) of WEEE that has been collected separately from other types of waste to incentivise more collections for re-use (or preparation for re-use).

Any such target could fall on PCSs as a subset of their WEEE collection obligations, but such targets could also feasibly be placed on other actors that handle WEEE. Treatment facilities for example are already required to meet a combined recycling and re-use target and an overall separate recovery target.

- That an obligation on PCSs to provide free collection services to re-use charities and the charity retail sector for donated equipment subsequently deemed unsuitable for re-use would promote greater re-use by removing a significant cost barrier to the sector.

Many re-use charities are approved as collection and/or treatment facilities under the WEEE Regulations. Some charity shops also accept donations of equipment. Mandating the collection of equipment that was donated but subsequently deemed unsuitable for re-use from these organisations by PCSs would remove a potential cost from the re-use charity sector that could inhibit further investment in the sector.

- That we should as for additional data collection from retailers and local authorities to better understand how much used EEE is received at these collection facilities for re-use and consequentially diverted away from entering the WEEE producer

responsibility system would provide significant new insight into volumes of equipment being re-used that is not classified as waste.

Large quantities of used equipment collected by retailers and Local Authorities goes unreported because it is diverted from the waste stream for reuse, repair or refurbishment. Asking retailers and Local Authorities to report data on used equipment that was collected for re-use would help to provide a more complete picture of the amount of equipment being diverted from the WEEE system for re-use, enabling more robust policy development. The WEEE Regulations already require retailers to keep records of the volumes of WEEE being returned to them via take back although there is no reporting obligation.

We could introduce new reporting obligations to understand how much material is being diverted for re-use or pursue voluntary approaches.

Questions

21. Do you agree or disagree that giving a higher weighting to tonnage collected by PCSs for re-use (or preparation for re-use) towards their collection targets, than tonnage collected for recycling would incentivise greater re-use (or preparation for re-use) of WEEE? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure
22. Please provide any evidence you have to support your answer to question 21.
23. Do you agree or disagree that we should introduce new targets for the re-use (or preparation for re-use) of WEEE that has been collected separately from other types of waste to incentivise more collections for re-use (or preparation for re-use)? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure
24. Please provide any evidence you have to support your answer to question 23.
25. If you answered agree to question 23, please provide evidence to indicate on which of the stakeholder groups below targets should be placed to maximise impact? Please select one of the following options:
 - a. Producers (via PCSs)
 - b. Retailers
 - c. Local authorities
 - d. Both retailers and Local Authorities
 - e. Unsure
26. Please provide any evidence you have to support your answer to question 25.
27. Do you agree or disagree that an obligation on PCSs to provide free collection services to re-use charities and the charity retail sector for donated equipment subsequently deemed unsuitable for re-use would promote greater re-use by

removing a significant cost barrier to the sector? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

28. Please provide any evidence you have to support your answer to question 27.

29. Do you agree or disagree that access to data from retailers and Local Authorities on how much used equipment is received at these collection facilities for re-use (and consequentially diverted away from entering the WEEE producer responsibility system) would provide significant and useful new insight into volumes of equipment being re-used that is not classified as waste? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

30. Please provide any evidence you may have to support your answer to question 29.

31. Please provide evidence (including from international sources) of other potential mechanisms to increase levels of re-use and preparation for reuse activities across a broad range of products.

4. Moving to a circular economy through the design of better products and business models

Background

Encouraging ecodesign and a whole lifecycle approach to design of products is a key part of achieving a more resource efficient, circular economy. Reducing the amount of equipment we manufacture and ensuring more WEEE is reused or recycled can help cut carbon emissions and achieve wider environmental goals as well as helping to safeguard critical stocks of the earth's natural resources. [Research](#) shows that the resource extraction for, and manufacturing of, electronic products such as mobile phones contribute to more than 50% of their total lifetime CO2 emissions.

[Existing ecodesign legislation](#) ensures that many electrical products are designed to meet certain minimum energy and resource efficiency criteria. These include measures such as availability of spare parts and information for repairers for large household appliances such as washing machines, dishwashers and household refrigerators. The UK Government has [published an energy-related products policy framework](#) which sets out how we will push products to use less energy, resources, and materials, saving carbon and helping households and businesses to reduce their energy bills with minimum effort.

Case for change

The existing WEEE Regulations do not encourage producers to design products that support the circular economy. Several countries have introduced modulated producer compliance costs (explained below) which is designed to incentivise better ecodesign of products but there is little evaluation to date of the success of these measures. Further work is therefore necessary to ensure any such system introduced in the UK is fit for purpose. A [BEIS call for evidence](#) on Ecodesign policy revealed that across most products, respondents felt better resource efficiency measures, including better availability of spare parts and repair and maintenance information, could be introduced.

“Eco-modulation” could be one tool to drive better design. Under a modulated approach to EPR, the costs paid by the producer will vary according to specific criteria relating to aspects of their products' environmental performance. The fundamental principle is that compliance costs are lower for producers of products that meet specified criteria compared to those that do not.

Areas on which views and evidence are sought

- That implementing a system of eco-modulation into the UK's WEEE system could incentivise more sustainable product design.

In the UK, producers (via membership of a PCS) are required to finance the collection of an amount of WEEE in each category of EEE based on their market share for that category and enter into contracts with collectors, transport operators and treatment facilities to process WEEE to meet their obligations under the WEEE Regulations.

[Research](#) commissioned by Defra analysed three potential approaches for incorporating the principle of eco-modulation into the UK's WEEE System. The first was the introduction of a new system for EPR in which fees paid by producers to their compliance schemes to cover the cost of collection and treatment of WEEE would be modulated to reward good product

design or penalise poor product design. This would be decided according to potential resource efficiency criteria (examples are given below). The second was a modification to the WEEE Regulations which saw modulation of a producers' market share data so that those producers whose products have a greater negative environmental impact are made responsible for financing a greater share of household WEEE arising compared to those whose products have a lesser environmental impact. Finally, the research also explored a deposit return scheme system but discounted this approach due to several challenges in embracing such an approach for sales of EEE. The research recommended the second option of modulating compliance of costs through the adjustment of market share data. This would align with the UK's current EPR system, in which producers must finance the collection and treatment of WEEE in proportion to their market share across 14 product categories.

The research analysed three potential metrics to prioritise product groups to apply eco-modulation – product weight, number of units sold and the carbon footprint of products.

Determining good eco-design of these products would be based on detailed eco-design criteria. Examples of possible criteria identified by the research are:

- recycled content
- repairability
- durability
- energy efficiency
- disassembly
- presence of hazardous substances

The research suggested that eco-modulation could offer potential synergy with eco-design regulations on the basis that it is harmonised with other international regulations, although further work will be needed to ensure an eco-modulation approach that's fit for purpose.

Research has shown there is a preference for a system of self-declaration to determine compliance with the criteria, but with the stipulation that standards and measurement methodology should be in place to complete an evidence-based declaration process.

Labelling could also be used to communicate to consumers the extent to which products have been designed to meet certain eco-design modulation criteria.

- That products made available on the market using circular economy business models should be excluded from the calculation of collection and treatment obligations placed on producers because they will in any case be responsible for the individual product when it becomes waste.

Circular business models (such as product leasing models rather than product sales) can also make a significant contribution to the circular economy since products are more likely to undergo repair and refurbishment and stay in use longer. Ownership of products supplied in this way is retained by the service provider and therefore should not arise as household waste which arguably supports the view that they should be discounted from a producers' collection obligations under the WEEE Regulations.

Questions

32. Do you agree or disagree that implementing a system of eco-modulation into the UK's WEEE system could incentivise more sustainable product design? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
33. Please provide any evidence you have to support your answer to question 32.
34. If you agree with question 32, which of the following approaches would you most likely support:
- A new system of EPR in which variable fees, based on units placed on the market (POM), are modulated through the implementation of a malus (increased fee) or bonus (reduced fee).
 - Maintain the current system of setting obligations based on a market share (by weight) approach but with that market-share modulated to reward producers whose products have the lowest environmental impact, thereby reducing their compliance costs compared to those producing more harmful products.
 - Either of the above approaches
35. Which of the following metrics should we use to prioritise products to eco-modulate? Please select one of the following options:
- Total weight of the product (in tonnes).
 - Total volume (in units) sold on the UK market.
 - Carbon intensity of the product.
36. Which of the following criteria should be used as an effective basis for eco-modulation:
- Recycled content
 - Recyclability
 - Reparability
 - Durability
 - Energy efficiency
 - Hazardous substances
37. Are there any other criteria, other than those set out in question 36, which you feel would be relevant? Please specify what these could be.
38. How should compliance with eco-modulation criteria be verified in a way that balances cost with the integrity of the system? Please select one of the following options:
- Self-declaration
 - Third party declaration
 - In advance control or inspection by the authorities
 - Other (please specify)
39. Do you agree or disagree that eco-modulation should be supported by mandatory labelling to give consumers visibility of the extent to which the product has met certain eco-design criteria? Please select one of the following options:
- Agree

- b) Disagree
- c) Unsure

40. Please provide any evidence you have to support your answer to question 39.

41. If you answered 'agree' to question 39, in which format do you think this information should be displayed? Please select one of the following options:

- a) QR Code (or other electronic tag)
- b) Physical label
- c) Alternative format (please specify)

42. Do you agree or disagree that products made available on the market using circular economy business models should be excluded from the calculation of collection and treatment obligations placed on producers because they will in any case be responsible for the individual product when it becomes waste? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

43. Please provide any evidence you have to support your answer to question 42.

5. Increasing collections of business WEEE

Background

The WEEE Regulations place different obligations on producers in relation to WEEE arising from households and that from business and other non-household end users.

Unlike the household WEEE system, the WEEE Regulations simply require producers through membership of a PCS to establish a system of return for business WEEE from the end user. In practice the point of return is most likely to be a treatment facility with which the PCS has a contract. But the end user must identify the relevant producer of each item of WEEE and their PCS before arranging delivery of the items to the nominated collection facility. The system is therefore cumbersome to access and is likely to contribute to low levels of business WEEE collections. Producers also have an option to pass on their WEEE obligations to the business end user at point of sale. It is also true that businesses will likely recognise the potential value of redundant industrial equipment and will seek to retain that value rather than returning it to the producer thereby also contributing to low levels of reported returns.

Equipment sold to businesses (for example, a laptop) that is of a nature that could equally be sold to a householder is currently reported as household equipment when it is placed on the market and if it is returned to the producer as waste. This further contributes to a lack of robust data on the quantity of EEE sold to businesses and the destination of that equipment when it is discarded.

The Welsh Government is committed to bringing in new regulations to require, from 6 April 2024, the occupiers of all non-domestic premises to separate key recyclable waste (including unsold small WEEE), and for these streams to be collected separately for recycling.

Case for change

We recognise the need to make the WEEE system simpler for business and other non-household end users to understand and access. We want to explore an approach for business and other non-household WEEE in which the producers' collection obligation starts at the premises of the business.

Areas on which views and evidence are sought

Due to the current lack of available evidence on business WEEE flows we have not arrived at a set of policy options at this stage. The call for evidence is intended to gather evidence and views on ways in which the existing system could be enhanced or made simpler for business and other non-household end users of equipment. We consider that there are two measures that could be incorporated into future regulations to drive improvements:

- That we should extend the principle of producer responsibility to the premises of the business end user (and other non-household premises) and introduce a collective producer responsibility system for Business to Business (B2B) WEEE delivered via membership of a PCS, designed to increase volumes of separately collected WEEE from businesses and financed by producers.

One option is to extend the principle of producer responsibility to the premises of the end user. Organisations would contact the producer or their PCS to arrange a free of charge collection. If they cannot identify the original producer, or in the case of a mixed load of WEEE, they could contact any PCS to request a free of charge collection.

In such circumstances a system would be required to apportion the costs of collecting WEEE fairly amongst producers to ensure all producers of business equipment, via their PCSs had funded their share of the total business collections over a year. Incentives could also be built into the system to reward those producers operating circular economy business models for example, leasing and re-use/refurbishment activities. Appropriately funded communications would be a necessary part of producer responsibilities.

We also welcome evidence on whether the definition of household and non-household equipment should be changed so that the classification is defined via route to market, such as equipment sold through professional channels would be classified as non-household and that sold via retail/household facing channels as household equipment. In adopting such an approach more accurate data may be reported on equipment sold to businesses and WEEE arising in businesses in which the collection and treatment was financed by producers.

- That we should introduce a ban on businesses from sending whole items of electrical equipment (such as surplus stock), to landfill or incineration.

There is some evidence to suggest that some producers and distributors may be disposing of equipment before it has reached end of life. These items might be new or unused and are likely to be a combination of out-of-season stock, unsold or surplus stock, or customer returns. There may be commercial or financial reasons behind a decision to dispose of stock to landfill or incineration. A ban on those disposal routes would further support the drive towards the circular economy by championing higher levels of re-use amongst items discarded as waste.

Wales will also be extending the current bans on separately collected plastic, metal, glass and paper going to landfill and incineration to also include, for incineration, separately collected small WEEE, card, and food, and, for landfill, separately collected small WEEE, card, food and textiles, and all wood.

Questions

44. Do you agree or disagree that the current business to business (B2B) system (EEE or WEEE that is designed for business, industry or professional use only, rather than household use) is an effective mechanism by which end users can return WEEE to producers for proper treatment? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
45. Please any evidence you have to support your answer to question 44.
46. Do you agree or disagree that we should extend the principle of producer responsibility to the premises of the business end user (and other non-household premises) and introduce a collective producer responsibility system for Business to Business (B2B) WEEE? Please select one of the following options:
- Agree
 - Disagree
 - Unsure

47. Please provide any evidence you have to support your answer to question 46.
48. Are there circumstances (for example, for certain product types) in which individual producers should be responsible for the cost of collection and treatment of the products they place on the market when they become waste? Please select one of the following options:
- Yes
 - No
 - Unsure
49. If you answered yes to question 28, please set out what these product types might be.
50. Do you agree that a system in which producers financed the cost of collection from the business end user and adequately supported by appropriate communications would be sufficient to drive increased levels of business WEEE into the system? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
51. Please provide any evidence you have to support your answer to question 50.
52. Are there any circumstances in which it might not be appropriate for producers to finance collections from businesses? Please select one of the following options:
- Yes
 - No
 - Unsure
53. If you answered yes to question 52, please say circumstances these may be. Please provide any evidence you have to support your answer.
54. Do you agree or disagree that there should be a ban on producers and distributors sending whole items of electrical equipment (such as surplus stock) to landfill or incineration? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
55. Please provide any evidence you have to support your answer to question 54.
56. If a ban were to be implemented, do you foresee any unintended consequences of unwanted electrical stock being redirected to any of the following routes? Please select one of the following options:
- Reselling
 - Repair / refurbishment
 - Re-use
 - Recycling

57. Please provide any evidence you have to support your answer to question 56.

58. What are your views on alternative policies to improve the B2B system? Please provide any evidence you have to support your answer.

6. Improving treatment standards

Background

The existing requirements governing the proper treatment of WEEE are largely set out in the various environmental permitting regulations across each part of the United Kingdom rather than the WEEE Regulations. Those requirements apply to all Authorised Treatment Facilities (ATFs) via the conditions set out in permits issued by the relevant regulator. Approved Authorised Treatment Facilities (AATFs) are able to issue evidence to PCSs for treatment undertaken on their behalf. This evidence is used by PCSs to demonstrate the extent to which they have met their financial obligations for the collection and proper treatment of WEEE.

In addition to the minimum treatment requirements, the WEEE Regulations require AATFs to meet minimum recovery and re-use/recycling efficiencies. PCSs must ensure that WEEE that is counted towards their obligations also meets these minimum recovery and re-use/recycling efficiencies.

The current Best Available Treatment Recovery and Recycling Techniques (BATRRRT) Guidance sets out minimum requirements for WEEE treatment. The principles of BATRRRT, and other necessary measures have been consolidated into overarching guidance by the Environment Agency, Waste Electrical and Electronic Equipment (WEEE): Appropriate Measures for Permitted Facilities and Waste Temperature Exchange Equipment: Appropriate Measures for Permitted Facilities. This is independent of the wider WEEE policy review and consultation.

In addition to compliance with the above requirements treatment facilities must comply with wider waste management legislation. This includes the Hazardous Waste (England and Wales) Regulations 2005 and corresponding legislation in the other devolved administrations. These set out the regime for the control and tracking of hazardous waste. WEEE can also contain Persistent Organic Pollutants (POPs), usually as additives to plastic or as coatings, which may or may not lead to classification as hazardous waste, due to the way rules on waste classification operate. Where POPs are present above certain thresholds, those WEEE derived materials must be sent for destruction at sites that are technically capable of achieving this.

Case for change

Beyond reform of the WEEE Regulations, we are exploring:

- product passports - which would identify the quantity and type of materials within a given product. This could include Critical Minerals (CMs)
- tracking information on products – which will look at ways of improving the communication of information about products, such as the presence of hazardous substances, through supply chains to the waste stage. This aims to reduce the risks posed by hazardous chemicals in waste, facilitate improved re-use and recycling, and

enable suppliers and consumers to make better informed decisions. Options include the use of product labels linked to a central database of information.

- waste tracking – [our recent consultation](#) looked at ways of tracking the quantity and type of waste generated, and what happens to it. This could potentially provide information on the location and amount of waste materials that could be put to more productive use, and support investment and recycling.
- the waste hierarchy for hazardous waste – we want to explore ways to raise the management of hazardous waste up the hierarchy and this commitment complements other objectives here.

It is important to ensure proposals focussed on better treatment of WEEE complement this wider policy development. The minimum requirements for WEEE treatment set out in the BATTRT guidance and the recycling and recovery rates placed on AATFs have changed little since 2006. However, in the drive towards the circular economy and to support our Net Zero commitments there is a need to explore measures that could drive improved material recovery, particularly in complex waste streams such as WEEE that contain a multitude of materials (including critical materials) some of which are lost during the recovery and recycling processes.

However, waste managers are often not aware of the detailed composition of the items they receive for processing. An [Industry Council of Electronics Recyclers \(ICER\) study](#) has revealed the extent of the issue. The resulting disruption and cost of adapting to move towards compliance with POPs (and waste classification) rules has been significant. Waste managers need to be better informed. We recognise that reporting and traceability of “substances of concern” in products could play a role in facilitating the circular economy by enabling the waste sector to develop appropriate processes and infrastructure to target these substances. Product passports or other means of reporting by producers of EEE, could play a role in informing waste managers and repairers of these substances, as well as valuable components that could be prioritised for recovery. This information could inform assessment of the recyclability, repairability or sustainability of products (from a chemicals perspective), thereby enabling incentives such as modulated fees or recovery targets to be established. This approach could potentially strengthen linkages between waste, chemicals and manufacturing sectors and legislation.

Critical minerals are those that are important to a nation, region or sector’s economy and that are, or could become difficult to obtain. The UK Government has set out its first ever Critical Minerals Strategy which aims to maximise what the UK produces along the critical minerals value chain – through mining, refining, manufacturing and recycling – in a way that creates jobs and growth and protects communities and our natural environment. Critical minerals are not only vitally important to the economy but can also be subject to security of supply risks. Much critical minerals’ production is highly concentrated in particular countries, are non-substitutable in their applications and have low recycling rates. Consequently, it is key that we make better use of what we have by accelerating a circular economy of critical minerals in the UK – increasing recovery, reuse and recycling rates and resource efficiency, to alleviate pressure on primary supply. In the Strategy, we committed to explore regulatory ways to promote recycling and recovery, including through reforms to the WEEE regulations and through the future consultation on waste batteries.

Many of the electronic devices we use every day such as computers, tablets and mobile phones require a multitude of mined metals and materials to develop the sophisticated circuit boards, microchips and batteries required to deliver functionality and performance. By way of example, the average smartphone requires 72 elements found in the periodic table, 62 of

which are metals, these include zinc, gold, copper, palladium and tantalum to name just a few. Within the 123,901 tonnes of PCs, laptops, mobile phones, tablets, televisions (TVs), monitors and lighting WEEE formally collected for recycling in the UK each year, 378.91t of critical minerals are 'lost' in processing (for example, in the shredding dust) or exported for treatment each year (and either lost or recovered).

This call for evidence provides an opportunity to gather evidence and views that support further policy development in this key area.

Areas on which views and evidence are sought

- That the recovery and recycling rates for WEEE should be reviewed to ensure that those targets remain sufficiently challenging whilst achievable.

The current recycling and recovery targets for each category of WEEE have not been updated since 2006. We welcome evidence to support a review to ensure those treatment targets remain sufficiently challenging to drive higher levels of recycling and recovery, whilst remaining achievable.

- That AATFs should be required to report annually on the extent to which they have met those recycling and recovery targets and that their report should be supported by an independent audit.

To undertake a fundamental review of treatment standards, we first require accurate data on the extent to which the existing targets are being achieved and exceeded by those businesses that might be regarded as best in class.

Currently businesses are required to provide evidence to regulators, when asked, that those targets are being met but there is no mandatory reporting obligation.

- That introduction of individual recovery rates for specific materials, including critical minerals would drive recovery of and demand for those materials thereby contributing to Net Zero and Circular Economy ambitions whilst supporting security of supply of certain materials.

The existing regulations do not directly encourage the recovery of specific materials. We therefore welcome your views and evidence on the principle of applying individual recovery rates to specific materials (for example, specified critical minerals, metals and plastics) and how those rates should be calculated and applied. Such reporting could also extend to the type and volume of hazardous substances removed and the quantity of POPs destroyed

There are many critical minerals, (for example, magnesium, cobalt and tantalum), found in WEEE and we would welcome evidence on the challenges and opportunities of setting minimum recycling and recovery rates.

Questions

59. Do you agree or disagree that the recovery and recycling rates for WEEE should be reviewed to ensure that those targets remain sufficiently challenging whilst achievable? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
60. Please provide details of evidence sources used to support your answer and evidence on the extent current targets are being met and exceeded.
61. Do you agree or disagree that AATFs should be required to report annually on the extent to which they have met those recycling and recovery targets and that their report should be supported by an independent audit? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
62. Please provide any evidence you have to support your answer to question 61.
63. Please provide evidence of likely costs of both reporting and independently auditing recycling and recovery rates.
64. Do you agree or disagree that the introduction of individual recovery targets for specific materials, including critical minerals would drive recovery of and demand for those materials thereby contributing to Net Zero and Circular Economy ambitions whilst supporting security of supply of certain materials? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
65. Please provide any evidence you have to support your answer to question 64.
66. If you agree with question 64: would you support the introduction of reporting on specified materials to form a useful evidence base ahead of setting targets in the future? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
67. If you answered agree to question 66, should these targets be mandatory or non-binding?
- Mandatory
 - Non-binding
68. We require treatment facilities to demonstrate sound management of WEEE, including removal of specified hazardous material and POPs. Are there any other substances

and components which should be added to the restricted list? Please provide evidence to support your answer.

69. What do you think are the key barriers to improving material recovery when treating WEEE? Please select one of the following options:

- a. Information barrier
- b. Technological barrier
- c. Other

70. If you answered 'other' to question 69, please specify what this would be.

71. What information do you think suppliers of products should be required to provide to assist waste treatment operators to increase the recovery of specific materials or components commonly found in WEEE?

Consolidated list of questions

Full net cost recovery

5. Considering the points for and against set out in the call for evidence, please select which of the following activities producers should finance the cost of:
 - d) Residual waste
 - e) Fly-tipped waste
 - f) Littered waste
6. Please provide evidence of the volume (tonnes) of WEEE arising at UK level and/or by nation level in residual waste.
7. Please provide evidence of the volume (tonnes) of WEEE arising the UK level/and or by nation that has been fly-tipped.
8. Please provide evidence of the volume (tonnes) arising at UK level and/or by nation that has been littered.
9. Please provide evidence of the net costs per tonne for collection of WEEE arising in residual waste.
10. Please provide evidence of the net costs per tonne for collection of WEEE that has been fly-tipped.
11. Please provide evidence of the net costs per tonne for collection of WEEE that has been littered.
12. Please provide evidence of the types of WEEE commonly discarded in the residual waste stream.
13. Please provide evidence of the types of WEEE commonly fly-tipped.
14. Please provide evidence of the types of WEEE commonly littered.

Allocation of costs for the collection and treatment of household WEEE

15. Do you agree or disagree that we should establish a rolling 3-year process for setting the financial obligations of producers to create more certainty in the system? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure
16. Please provide evidence of whether or not setting a rolling three-year forecast would provide more certainty in the system and act to encourage increased investment by the treatment sector.
17. Please provide evidence of whether or not a three-year forecast to set financial obligations be supported by a three-year minimum PCS-DCF contract duration in order to encourage increased investment by the treatment sector?
18. What are your views on the idea of establishing an allocation system as an alternative way to set financial obligations on producers and guaranteeing the financing of Local Authority collections?
19. Please provide evidence on the estimated costs and monetised benefits of both establishing and operating such a system.
20. Please provide evidence of any other alternative approaches, not described in Chapter 2, which you think could be suitable for allocating financial obligations on producers.

Prevention of waste and increasing re-use of unwanted electrical and electronic equipment

21. Do you agree or disagree that giving a higher weighting to tonnage collected by PCSs for re-use (or preparation for re-use) towards their collection targets, than tonnage collected for recycling would incentivise greater re-use (or preparation for re-use) of WEEE? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure
22. Please provide any evidence you have to support your answer to question 21.
23. Do you agree or disagree that we should introduce new targets for the re-use (or preparation for re-use) of WEEE that has been collected separately from other types of waste to incentivise more collections for re-use (or preparation for re-use)? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure

24. Please provide any evidence you have to support your answer to question 23.
25. If you answered agree to question 23, please provide evidence to indicate on which of the stakeholder groups below targets should be placed to maximise impact?
Please select one of the following options:
- a. Producers (via PCSs)
 - b. Retailers
 - c. Local authorities
 - d. Both retailers and Local Authorities
 - e. Unsure
26. Please provide any evidence you have to support your answer to question 25.
27. Do you agree or disagree that an obligation on PCSs to provide free collection services to re-use charities and the charity retail sector for donated equipment subsequently deemed unsuitable for re-use would promote greater re-use by removing a significant cost barrier to the sector? Please select one of the following options:
- a. Agree
 - b. Disagree
 - c. Unsure
28. Please provide any evidence you have to support your answer to question 27.
29. Do you agree or disagree that access to data from retailers and Local Authorities on how much used equipment is received at these collection facilities for re-use (and consequentially diverted away from entering the WEEE producer responsibility system) would provide significant and useful new insight into volumes of equipment being re-used that is not classified as waste? Please select one of the following options:
- a. Agree
 - b. Disagree
 - c. Unsure
30. Please provide any evidence you may have to support your answer to question 29.
31. Please provide evidence (including from international sources) of other potential mechanisms to increase levels of re-use and preparation for reuse activities across a broad range of products.

Moving to a circular economy through the design of better products and business models

32. Do you agree or disagree that implementing a system of eco-modulation into the UK's WEEE system could incentivise more sustainable product design? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
33. Please provide any evidence you have to support your answer to question 32.
34. If you agree with question 32, which of the following approaches would you most likely support:
- A new system of EPR in which variable fees, based on units placed on the market (POM), are modulated through the implementation of a malus (increased fee) or bonus (reduced fee).
 - Maintain the current system of setting obligations based on a market share (by weight) approach but with that market-share modulated to reward producers whose products have the lowest environmental impact, thereby reducing their compliance costs compared to those producing more harmful products.
 - Either of the above approaches
35. Which of the following metrics should we use to prioritise products to eco-modulate? Please select one of the following options:
- Total weight of the product (in tonnes).
 - Total volume (in units) sold on the UK market.
 - Carbon intensity of the product.
36. Which of the following criteria should be used as an effective basis for eco-modulation:
- Recycled content
 - Recyclability
 - Reparability
 - Durability
 - Energy efficiency
 - Hazardous substances
37. Are there any other criteria, other than those set out in question 36, which you feel would be relevant? Please specify what these could be.
38. How should compliance with eco-modulation criteria be verified in a way that balances cost with the integrity of the system? Please select one of the following options:
- Self-declaration
 - Third party declaration
 - In advance control or inspection by the authorities
 - Other (please specify)
39. Do you agree or disagree that eco-modulation should be supported by mandatory labelling to give consumers visibility of the extent to which the product has met certain eco-design criteria? Please select one of the following options:

- d) Agree
- e) Disagree
- f) Unsure

40. Please provide any evidence you have to support your answer to question 39.

41. If you answered 'agree' to question 39, in which format do you think this information should be displayed? Please select one of the following options:

- d) QR Code (or other electronic tag)
- e) Physical label
- f) Alternative format (please specify)

42. Do you agree or disagree that products made available on the market using circular economy business models should be excluded from the calculation of collection and treatment obligations placed on producers because they will in any case be responsible for the individual product when it becomes waste? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

43. Please provide any evidence you have to support your answer to question 42.

Increasing collections of business WEEE

44. Do you agree or disagree that the current business to business (B2B) system (EEE or WEEE that is designed for business, industry or professional use only, rather than household use) is an effective mechanism by which end users can return WEEE to producers for proper treatment? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

45. Please any evidence you have to support your answer to question 44.

46. Do you agree or disagree that we should extend the principle of producer responsibility to the premises of the business end user (and other non-household premises) and introduce a collective producer responsibility system for Business to Business (B2B) WEEE? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

47. Please provide any evidence you have to support your answer to question 46.

48. Are there circumstances (for example, for certain product types) in which individual producers should be responsible for the cost of collection and treatment of the products they place on the market when they become waste? Please select one of the following options:

- a. Yes
- b. No
- c. Unsure

49. If you answered yes to question 28, please set out what these product types might be.
50. Do you agree that a system in which producers financed the cost of collection from the business end user and adequately supported by appropriate communications would be sufficient to drive increased levels of business WEEE into the system? Please select one of the following options:
- a. Agree
 - b. Disagree
 - c. Unsure
51. Please provide any evidence you have to support your answer to question 50.
52. Are there any circumstances in which it might not be appropriate for producers to finance collections from businesses? Please select one of the following options:
- a. Yes
 - b. No
 - c. Unsure
53. If you answered yes to question 52, please say circumstances these may be. Please provide any evidence you have to support your answer.
54. Do you agree or disagree that there should be a ban on producers and distributors sending whole items of electrical equipment (such as surplus stock) to landfill or incineration? Please select one of the following options:
- a. Agree
 - b. Disagree
 - c. Unsure
55. Please provide any evidence you have to support your answer to question 54.
56. If a ban were to be implemented, do you foresee any unintended consequences of unwanted electrical stock being redirected to any of the following routes? Please select one of the following options:
- Reselling
 - Repair / refurbishment
 - Re-use
 - Recycling
57. Please provide any evidence you have to support your answer to question 56.
58. What are your views on alternative policies to improve the B2B system? Please provide any evidence you have to support your answer.

Improving treatment standards

59. Do you agree or disagree that the recovery and recycling rates for WEEE should be reviewed to ensure that those targets remain sufficiently challenging whilst achievable? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
60. Please provide details of evidence sources used to support your answer and evidence on the extent current targets are being met and exceeded.
61. Do you agree or disagree that AATFs should be required to report annually on the extent to which they have met those recycling and recovery targets and that their report should be supported by an independent audit? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
62. Please provide any evidence you have to support your answer to question 61.
63. Please provide evidence of likely costs of both reporting and independently auditing recycling and recovery rates.
64. Do you agree or disagree that the introduction of individual recovery targets for specific materials, including critical minerals would drive recovery of and demand for those materials thereby contributing to Net Zero and Circular Economy ambitions whilst supporting security of supply of certain materials? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
65. Please provide any evidence you have to support your answer to question 64.
66. If you agree with question 64: would you support the introduction of reporting on specified materials to form a useful evidence base ahead of setting targets in the future? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
67. If you answered agree to question 66, should these targets be mandatory or non-binding?
- Mandatory
 - Non-binding

68. We require treatment facilities to demonstrate sound management of WEEE, including removal of specified hazardous material and POPs. Are there any other substances and components which should be added to the restricted list? Please provide evidence to support your answer.
69. What do you think are the key barriers to improving material recovery when treating WEEE? Please select one of the following options:
- a. Information barrier
 - b. Technological barrier
 - c. Other
70. If you answered 'other' to question 69, please specify what this would be.
71. What information do you think suppliers of products should be required to provide to assist waste treatment operators to increase the recovery of specific materials or components commonly found in WEEE?

Glossary

ATF – Authorised Treatment Facility

- Any waste site that has a permit or a permit exemption

AATF - Approved Authorised Treatment Facility

- An ATF with an additional approval that allows them to issue evidence of the re-use, recycling and recovery of WEEE.
- Must be permitted to accept and treat WEEE.

In Northern Ireland, this exemption is enshrined in Paragraph 49, Schedule 2, Part I of The Waste Management Licensing Regulation (Northern Ireland) 2003 (as amended)

B2B - Business to Business

- Alternative reference to non-household EEE or WEEE.
- EEE or WEEE that is designed for business/industry/professional use only.
- Does not include items that can also be used by householders

BATRRT - Best Available Treatment, Recovery and Recycling Techniques

- Published guide specific to WEEE. This is currently being updated

CM - Critical Minerals

- metals and minerals for which the extraction is a political, economic and environmental concern.

DCF - Designated Collection Facility

- A site which is approved to collect WEEE under the WEEE Regulations.
- Must comply with DCF Code of Practice

DAERA - The Department of Agriculture, Environment and Rural Affairs

- DAERA has responsibility for food, farming, environmental, fisheries, forestry and sustainability policy and the development of the rural sector in Northern Ireland
- The Department assists the sustainable development of the agri-food, environmental, fishing and forestry sectors of the Northern Ireland economy

DEFRA - The Department of Agriculture, Environment and Rural Affairs

- DAERA has responsibility for food, farming, environmental, fisheries, forestry and sustainability policy and the development of the rural sector in Northern Ireland
- The Department assists the sustainable development of the agri-food, environmental, fishing and forestry sectors of the Northern Ireland economy

EEE - Electrical and Electronic Equipment

- All electrical and electronic items are considered to be in scope of the Waste Electronic and Electrical Equipment Regulations (2013) unless they meet one of the exemptions as set out in regulation 7 of those Regulations

EPR - Extended Producer Responsibility

- This is a policy approach under which producers are given a significant responsibility – financial and/or physical – for the treatment or disposal of the products they place on the market when they become waste

HWRC - Household Waste and Recycling Centre

- These are provided by the Local Authority as a place where residents can safely dispose their household waste and recycling usually free of charge.

Most Local Authorities will register their HWRC as a Designated Collection Facility in order to be able to accept WEEE

PCS - Producer compliance scheme

- 'A producer compliance scheme (PCS) is a membership organisation. The members are producers of electrical and electronic equipment (EEE).
- A PCS is responsible for registering all its members every year and must:
- ensure it meets its financial obligations under the WEEE regulations
- fulfil its data reporting obligations

POPs - Persistent Organic Pollutants

- Manufactured chemicals that are banned under the Stockholm Convention on Persistent Organic Pollutants. The Stockholm Convention is an international environmental treaty that aims to eliminate or restrict the production and use of persistent organic pollutants.
- Includes common flame retardants such as DBDE (decabromodiphenyl ether) and others.
- The use of POPs in new electrical products has been restricted in UK since 2006 under the RoHS Regulations.

RoHS Regulations - Restriction of the use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

- Sister Regulations to the WEEE Regulations.
- Limits the use of certain chemicals in EEE.

WEEE - Waste Electrical and Electronic Equipment

Waste electrical and electronic equipment (WEEE) is any electrical or electronic waste, whether whole or broken, that is destined for disposal.

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