



Consultation on reforming the producer responsibility system for waste electrical and electronic equipment (WEEE)

March 2024

Introduction

Wildlife and Countryside Link and Scottish Environment Link are voluntary coalitions of environmental organisations working together as Environment Links UK (ELUK) to ensure effective reduction, reuse and recycling of all waste-types from source to sea. We welcome the opportunity to respond to Defra’s Consultation on reforming the producer responsibility system for waste electrical and electronic equipment (WEEE), building on our youth vaping consultation response from Autumn 2023. Recent Material Focus research has found that UK households are throwing away 155,000 tonnes of waste electricals every year. A further 527 million items are kept in UK homes contributing to one of the fastest growing waste streams in the UK.

Available data shows the UK to be among the top e-waste producers in the world.

According to the Global E-Waste Monitor 2020, the UK generated the second highest amount of e-waste per capita in the world in 2019 (23.9kg). This placed the UK second only to Norway (26kg) and significantly higher than the global average of 7.3kg per capita. This is costing the UK economy over £370 million per year in lost valuable raw materials alone posing not only a risk to the environment but also our national security.

According to government data, 2023 was the first time in 7 years that the UK has achieved its WEEE Household collection target (471,942 tonnes for 2023), whereby:

- a total of 1,828,809 tonnes of EEE were placed on the UK market in 2023, 84% of which was household EEE (1,542,458 tonnes), the equivalent of 31% (473,019 tonnes) of WEEE was separately collected from households in 2023.
- Of the 475,099 tonnes of Household WEEE within the dataset “WEEE received at an approved authorised treatment facility” 2% was for reuse (11,305 tonnes) and 9% was sent to an AATF/ATF (40,552 tonnes). These outcomes are less for non-household WEEE.
- 37,515 tonnes of non-obligated WEEE were received by an AATF and approved exporters.

However, this achievement needs to be contextualised.



- **WEEE Household collection rates used to be higher whilst, in tandem, EEE consumption has been increasing over the last decades.** In 2016, a total of 580,257 tonnes of WEEE was collected from households, in 2019 496,514 tonnes were collected. Since 2019, government-set targets for collections decreased by 12% yet targets were still missed. Concurrently, there has been a 5% increase in EEE placed on the UK market since 2016 (1,738,677 tonnes for household and non-household).
- **There is still significant reason for concern with regards to the extent of illegal WEEE exports.** In 2020, the Environmental Audit Committee published a report entitled “electronic waste and the circular economy” where it cited a 2019 investigation undertaken by the Basel Action Network, which estimated that of the 10 EU countries studied, the UK by far had the highest rate of illegally exported WEEE to developing countries (209,222 tonnes). For comparison, the 2nd highest exporter listed in the study was Italy, who is said to have exported 48,205 tonnes. There have been a number of other instances where illegal export of WEEE from the UK have been highlighted. Illegal exporters currently use tactics such as mislabelling phones and other e-waste exports as ‘used goods’ to bypass legislation. Further, supply chains in countries receiving the waste can be complicated and opaque, and items can result in unsafe treatment further down the chain. It is of paramount importance that producers are reminded of their duty of care and responsibility in ensuring that WEEE is treated legally and in an environmentally sound manner.
- **Our peers in the Europe have more ambitious measures and recycling rates in place with regards to WEEE.**

Against this backdrop, in addition to the current cost-of-living and pollution crisis, this is not money or resource that the UK can afford to throw away. We urge the Government to swiftly implement the proposals outlined in this consultation and to consider where policies referenced in the Call for Evidence can be better incorporated at this stage rather than waiting to implement measures at a later point. We particularly support the proposals regarding online marketplaces and fulfilment houses. While Amazon UK made \$33.3 billion dollars in sales revenue between 2022-2023, they were not legally obligated to contribute a single penny to the recovery, treatment and disposal of their electrical and electronic products. In addition, in 2021 an ITV investigation found that millions of new, unused or returned goods to Amazon (including EEE) were dumped and burned. Instead, cash strapped local authorities were left to cover all the costs associated with WEEE. This is unacceptable. We also support the focus on local authority partnerships and ensuring harmonisation with current collection systems. All policies implemented as a result of this consultation should be done so with all other Collection and Packaging Reforms in mind.

However, the Government’s proposals are too heavily focused on the mechanisms required for better take back and WEEE collection services. There is little reference to the upstream policy interventions essential for delivering better resource efficiency, reuse and repair and/or proper consideration of the waste prevention hierarchy. Without a concerted effort to reduce WEEE at source we will not see the reduction in material usage we desperately



need to meet the emission reductions targets outlined in the Climate Change Act 2008. Other policies which should be consulted on include:

- A consumption reduction and resource efficiency target under the Environment Act 2021 with accompanying reuse targets for all product categories.
- Eco-design standards to increase reparability implemented through legislation.
- Mandatory labelling requirements including a Repair Index to support consumers' ability to repair broken electrical items.
- Optimisation of collected materials and the reverse logistics of producer-led material reuse and recycling via take-back.
- Consumer communication campaigns on resource efficiency, reuse and repair of WEEE to accompany the roll out of all new producer responsibility systems.

Unless these policy gaps are urgently addressed, the UK Government will not see a reduction in the consumption of WEEE. To meet emission reductions targets outlined in the Climate Change Act (2008), the Government must set a target to dramatically reduce resource consumption by 2030. It is also critical to highlight that there are significant human rights abuses within the sourcing of critical raw materials, including those for EEE products.

Section 1: Increasing collections of WEEE from households

1. Do you agree or disagree that producers (and distributors that do not provide their own take-back services for electric and electronic goods) should finance collections of small WEEE (for example, toasters, small toys and tools), from households? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

2. Please provide any evidence you have to support your answer to question 2.

Environment Links strongly agree that producers (and distributors who do not provide their own take-back services) should finance collections of small WEEE from households in line with the Polluter Pays Principle outlined in the Environment Act 2021. Without producers paying for the cost of kerbside collection for small electrical items this problem will not be rectified. According to the Material Focus report cited in the Case for Change, 86 local authorities already offer some form of kerbside collection of small electricals. Therefore, producers financing kerbside collection of WEEE should not be treated as an onerous burden on producers and/or distributors but an investment or expansion of green infrastructure which many businesses already support.

However, the current proposals exempt producers from paying for kerbside collection if they provide their own take-back service in store. While there is a place for take-back schemes as part of the collection system, producers must offer choices for consumers to



return their small electrical items for recycling and reuse. Research from Material Focus estimates that the set-up costs from a WEEE kerbside collection would be £10.5 million for all UK households that do not currently have this service and a further £6.7 million per annum would be required to operate the scheme. Considering that between 2021 - 2022, the British retailer Curry's made a pre-tax profit of £115 million we do not consider the requirement burdensome for producers and/or distributors. For smaller and/or distributors who are concerned about the financial implications of offering both systems, we support a 'system of producer fees rather than exemption' as outlined in the LGAs response to this consultation.

Moreover, while kerbside collection is a valuable service for much e-waste, uptake of this service in terms of mobile phone recycling remains low with an upcoming WWF report suggesting that only 3% of people recycle phones in this way (Figure 1). Of WWF's consumer survey respondents, 25% felt that concerns around data security were a key factor when deciding what to do with their phones when they no longer want them (n=1864). Household waste is generally left outside overnight which introduces a risk of theft, and kerbside collections do not provide the secure chain of custody that other channels such as take-back, trade-in or refurbishment schemes provide. Whilst there are now plans to continue to roll-out household WEEE collections across all local authorities, it will be imperative to build greater consumer confidence in at-home data wiping for this to have a significant impact on the collection of mobile phones and other smart tech items through this channel. Funding via a WEEE extended producer responsibility scheme could also support kerbside collections as local authorities currently lack the budget to invest in additional services, particularly those with low rates of uptake.

3. Recognising the need to balance frequency of service with efficiency, what frequency should a WEEE collection round be provided? Please select one of the following options: a. Weekly b. Fortnightly c. Monthly d. On demand

Monthly.

4. Please provide any evidence you have to support your answer to question 3.

Assuming small electricals are being collected by local authorities alongside statutory waste management obligations, WEEE collections should be offered monthly. This is because households dispose of WEEE more infrequently than residual waste, recycling and/or food waste. Generally, households will have space to store their small electricals for one month or utilise an in-store take back service where appropriate. However, this policy does assume most households are suburban with space to safely store small electricals in a separate collection vessel, on their property, away from the rain. More urban households often share waste storage facilities and further policy development will need to be undertaken to ensure there is space to store small electricals in these facilities. Some household shared waste storage facilities are outside and housed in non-permanent structures e.g., parking spaces. Where this is the case, further policy development will need to be undertaken as to



how small electricals can be stored without being damaged by the weather and unable to repair. This includes measures to ensure small electricals aren't ending up being inadvertently fly tipped through lack of proper waste storage facilities.

5. Would there be benefit in providing for different arrangements to apply in different areas according to circumstances, for example, on demand in some areas and regular collection round in others? Please provide any evidence you have to support your answer.

We do not support the application of different arrangements in different areas according to circumstances. We understand this to directly contradict Defra's own plan for Simpler Recycling. Only by harmonising waste collection requirements across local authorities will an effective communications campaign run so householders are fully aware of collection availability. Reducing disparity between local authority services is also important to ensure regional inequality is not exacerbated and ensure minimum disruption for the householder.

However, further policy development will need to be undertaken where monthly take-up of kerbside small electrical collection is low. Some local authorities have suggested after an initial uptick in collection of WEE when kerbside collection schemes are launched, rates can decline as households forget they are able to dispose of their electrical waste in this manner. Therefore, it is essential the calculated cost of delivering kerbside collection incorporates ongoing communication campaigns to prevent cost inefficiency of kerbside collection.

6. What should items qualifying for this service be defined by: a. Weight b. Dimension.

We do not think either definition is suitable for qualifying items to be included in the kerbside collection. Small electricals suitable for collection should be defined by product category which is currently the case in many of the local authorities who already offer this service e.g., Camden, Islington, Edinburgh, Brighton and Hove. It is not appropriate for householders to be expected to weigh and/or measure their waste electricals to decipher if they are suitable for collection. It is also essential that local authorities can determine if products are unsafe for kerbside collection. Some authorities encourage vapes as part of kerbside collection of WEEE as it prevents them entering the residual waste stream and causing issues when processing e.g., fires in waste management centres due to compressed lithium. Others do not want them in the waste stream at all.

7. Please specify any products that, due to their properties, should be excluded from the small WEEE household collection service. Please provide evidence to support your answer.



We do not believe that products which are hazardous should be entering the waste stream. We need further policy development to ensure the correct product standards are in place to remove products with elements of hazardous waste from the market. However, until these products are removed from the market to prevent them entering the residual waste stream, kerbside collection should include all products.

8. For any products listed in response to question 7, what measures should be put in place to drive up levels of their separate collection to minimise disposal in residual waste?

Until products with elements of hazardous waste are removed from the market, kerbside collection of WEEE should include all product categories. However, policy development must be undertaken to ensure that the cost of hazardous waste is taken into account by the Scheme Administrator. A recent *Economia* report found that lithium-ion battery fires at waste management centres are costing the UK over £100 million per year. Similarly, a new report produced jointly with the [Environmental Services Association \(ESA\)](#), entitled '[Cutting Lithium-ion Battery Fires in the Waste Industry](#)', reveals that an estimated 201 waste fires caused by Li-ion batteries occur every year in the UK based on EA-reported figures, with damaging consequences for both the environment and society.

To prevent hazardous waste entering residual waste it is essential mandatory labelling requirements are imposed immediately. These should include on the product and products packaging to ensure that consumers are educated on the appropriate method of waste disposal.

9. Do you agree or disagree that producers (and distributors that do not provide their own take-back services) should finance collection of large WEEE? Please select one of the following options: a. Agree b. Disagree c. Unsure 15.

Agree.

10. Please provide any evidence you have to support your answer to question 9.

WCL strongly agrees that producers (and distributors that do not provide their own take-back services) should finance collection of large WEEE in line with the Polluter Pays Principle outlined in the Environment Act 2021. Available data shows the UK to be among the top e-waste producers in the world. According to the *Global E-Waste Monitor 2020*, the UK generated the second highest amount of e-waste per capita in the world in 2019 (23.9kg). This placed the UK second only to Norway (26kg) and significantly higher than the global average of 7.3kg per capita. However, when considered in terms of total tonnage of e-waste generated, the UK far exceeds Norway, with current e-waste figures estimated at 727 thousand tonnes per annum compared with just 40 thousand tonnes in Norway. Without free and convenient collection for large WEEE items this will remain. However, we would



want the financing of a collection of large WEEE to also include those producers and/or distributors who also provide a take-back service.

While there is a place for take-back schemes as part of the collection system, producers must offer choices for consumers to return their large electrical items for recycling. Research from Material Focus estimates that the set-up costs from a WEEE kerbside collection would be £10.5 million for every UK household not currently covered by such a scheme and a further £6.7 million per annum would be required to operate the scheme. Considering that between 2021 - 2022, the British retailer Curry's made a pre-tax profit of £115 million we do not consider the requirement burdensome for producers and/or distributors. For smaller and/or distributors who are concerned about the financial implications of offering both systems, we support a 'system of producer fees rather than exemption' as outlined in the LGAs response to this consultation.

11. Do you agree or disagree that a producer-led Scheme Administrator, approved by government, is best placed to determine the most practical and efficient delivery mechanism to manage producer obligations to finance small and large WEEE collections from households? Please select one of the following options: a. Agree b. Disagree c. Unsure

We agree that a producer-led Scheme Administrator is best placed to determine the most practical and efficient delivery mechanisms to manage producer obligation for WEEE collections. We support whatever Scheme Administrator is able to deliver the most efficient, cost-effective outcomes for WEEE recovery. Any producer-led Scheme Administrator must be held accountable to government set targets which are properly enforced, by a well-funded environment agency. We would also welcome the involvement of representatives from the eNGO sector in a stakeholder/advisory capacity to ensure the continued environmental ambition of the scheme.

12. Please provide any evidence you have to support your answer to question 11.

Setting up a producer-led Scheme Administrator would align with kerbside collection of small electricals in Scotland and is in line with Sections 4 and 5 of Schedule 4 of the 2021 Environment Act.

13. Do you agree or disagree that the most efficient and cost-effective delivery of the obligation to provide a regular household collection service for small WEEE and bulky waste collections for large WEEE is likely to be achieved through partnerships between a Scheme Administrator and Local Authorities and their waste management partners? Please select one of the following options: a. Agree b. Disagree c. Unsure.

Agree.

14. Please provide any evidence you have to support your answer to question 13.



We strongly agree that partnerships with local authorities are most likely to be the most cost effective and efficient way for producers and/or distributors to fulfil their obligations to collect WEEE at the kerbside. We do not support a scenario where separate waste management vehicles are commissioned by individual producers and/or distributors to collect kerbside waste as this would lead to resource inefficiency e.g., materials for waste collection and management infrastructure, fuel costs, labour costs. Consumer up-take will be highest, the more centralised and harmonised the approach.

15. If you answered agree to question 16 what, if any, safeguards might be necessary to ensure costs incurred by producers in meeting the WEEE household collection obligation are reflective of the actual costs of delivery through their service partners?

Appropriate safeguards must include mandatory reporting for collected WEEE according to product categories. Currently, producers and/or distributors are not required to report WEEE waste by product category which prevents the Government designing specific policies to incentivise circular behaviours for certain categories of product. For example, the proportion of e-waste that comprises mobile phones is unknown. The Environment Agency's IT and Telecoms Equipment data category shows that IT and Telecoms equipment amounted to 8% of separately collected household WEEE in 2022. However, although phones make up a relatively small proportion compared to other electronic devices, this is because current data is based on weight-based statistics. Unlike larger WEEE items, waste from mobile phones and accessories is replaced more frequently and is more likely to be disposed of in the residual or metal waste streams. A review of waste composition analyses conducted by Resource Futures, where the standard research protocol includes a separate category for mobile phones, suggests that 810 tonnes of mobile phone e-waste, equivalent to approximately 11.1 million phones, entered the UK's municipal solid waste stream in 2020.

Alongside mandatory reporting according to product categories, other safeguards must include:

- A suitable feedback loop between local authorities/Scheme Administrator where unexpected incurred costs can be calculated and integrated into payments e.g., unintended costs of dealing with vapes.
- Reporting on the uptake of kerbside collection to ensure maximum operating efficiency.

16. Do you agree or disagree with the analysis of this proposal set out in the accompanying Impact Assessment? Please select one of the following options: a. Agree b. Disagree. c. Unsure



N/A.

17. Please provide any evidence you have to support your answer to question 16.

N/A.

18. Are there are other means of delivering a cost effective and efficient household collection service to that described in question 21, with alternative delivery partners to Local Authorities and if so, what might that look like?

We do not suggest exploring this option for the reasons outlined previously. Any Scheme Administrator should prevent fragmentation of the kerbside collection.

19. Please provide any other comments and supporting evidence on the proposal for producers (and distributors that do not provide take-back services) to finance a system of kerbside collection of small WEEE and on-demand collections of large WEEE for households?

We support the integration of a producer and/or distributor paid kerbside small electrical system into existing local authority collections provided suitable funding is available. However, delivery of any policy relating to WEEE must be delivered swiftly, without delay and with minimal changes to requirements once designed. Inconsistency in policy delivery will cause local authorities to invest in green infrastructure which then may have to be altered. As previously suggested, there is an argument to support the introduction of kerbside collection of small electricals with the Simpler Recycling reforms to minimise burdens on local authorities and reduce confusion for households.

20. Producers who place less than 5 tonnes of equipment on the UK market each year are exempt from financial obligations under the WEEE Regulations. Does that 5-tonne threshold remain appropriate? Please select one of the following options: a. Yes b. No c. Unsure.

No.

21. If you answered no to question 20, what tonnage threshold is appropriate? Please provide evidence in support of an alternative threshold.

A single weight-based threshold is not appropriate to be considered for exemption under WEEE regulations because it does not differentiate between environmental impacts of



different product types. There should be lower thresholds for product groups which are particularly harmful to the environment, such as vapes. More research is needed to establish the most appropriate way to measure for financial exemptions.

22. Are there alternative, non-regulatory approaches that could be established to increase separate collection of WEEE from households for re-use and recycling? If so, please describe what this might look like.

We do not recommend exploring non-regulatory approaches to increase the separate collection of WEEE from households. All policy suggestions in this section are simply a mandatory expansion of existing policy measures, so any non-regulatory alternatives will become redundant.

Section 2: Increasing distributor collection infrastructure.

23. Do you agree or disagree that internet sellers and retailers should provide a free of charge “collection on delivery service”, requiring the free takeback of large domestic appliances such as washing machines, dishwashers, fridges, freezers, and TVs? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

24. If you answered agree to question 23, should there be a reasonable time frame stipulated in which the unwanted item should be collected to allow for circumstances where it is not available for collection at time of delivery? Please select one of the following options: a. Yes b. No c. Unsure

Yes. An expectation should be set for the producer and/or distributor to collect the unwanted item upon delivery of the new item or at the very minimum collection timescales should mirror the retailer’s ability to deliver products to the household. For example, if a retailer is able to deliver within 24 hours, they should be expected to offer collection within the same timeframe. Consumers should also be offered the choice to book a collection slot for the product within 10 days of delivery to ensure maximum opportunity for return.

25. If you answered yes to question 23, what should those timeframes be? a. 2 days b. 5 days c. 10 days d. No, there should not be a reasonable timeframe stipulated.

Collection should be provided on the same day as delivery and/or collections can be individually booked up to a maximum of 10 days after delivery.

26. If you answered agree to question 24, should this service be extended to collection of smaller items when a large item is collected? If so, should this be subject to



reasonable limits in terms of how many items can be returned at once? Please select one of the following options: a. Yes b. No c. Unsure.

Yes. It is reasonable to consider that retailers have to collect smaller electrical items alongside larger items without limit. However, a retailer could request information of the items for pick up in advance to ensure they are able to appropriately manage the capacity of their collection vehicle. All system designs must be fair and equitable for the consumer.

27. Should retailers selling new household appliances as part of a new kitchen also be obligated to take away the old appliances from the household free of charge? Please select one of the following options: a. Yes b. No c. Unsure

Yes.

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

It is reasonable for retailers' selling appliances which go into new kitchens to have to take away the old appliances free of charge, as is already done by some retailers. Therefore, costs incurred to take away the old appliances from the household free of charge should be obligated to remove them. Moreover, this would reduce the chance of unwanted appliances from old kitchens being fly tipped. As referenced in the consultation document and Defra's own fly-tipping statistics between 2022/23, **60%** of fly-tips involved **household waste** accounting for **653,000** individual cases despite tougher penalties for fly-tipping being put in place.

29. Do you agree or disagree that we should extend the existing take-back requirements for large retailers from 1:1 to a 0:1 basis i.e., by removing the requirement to purchase an item for the take-back obligation to apply? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

30. If you answered 'agree' to question 29, do you agree or disagree that such an obligation should be subject to reasonable limits as to the quantities of WEEE returned per householder? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.



31. Do you agree or disagree that the definition of “large retailer” should be any business with an annual turnover of electrical and electronic equipment of over £100k? Please select one of the following options: a. Agree b. Disagree c. Unsure

Disagree.

32. Please provide any evidence you have to support your answer to question 31.

We do not consider annual turnover of electrical and electronic equipment as an adequate measure of ‘large retailer’ as it does not place enough responsibility on the doorstep of producers and/or distributors of low value electrical items. Therefore, we suggest that either the value of the threshold to qualify as a large retailer is reduced; or there are different financial thresholds to qualify as a ‘large retailer depending on units sold within product categories and/or how likely products are to end up in the residual waste stream/illegally disposed of. This should ensure that producers and/or distributors of high volume, lower values electrical and electronic items are being captured by the take-back schemes.

33. If you answered ‘disagree’ to question 31, what should an alternative threshold be? Please provide evidence to support your answer.

See above.

34. Do you agree or disagree that the obligation be restricted to retailers only taking back items that are like those sold in their stores? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

35. Please provide any evidence you have to support your answer to question 34.

There may be practical constraints for retailers to accept very different kinds of item. However, retailers should be expected to accept items which they have not directly manufactured but sell an equivalent of. For example, if a retailer sells electric toothbrushes they should be expected to receive electric toothbrushes from another retailer, and vice versa. Overall, this should mean that retailers receive and process similar levels of WEEE waste through take-back.

36. Do you agree or disagree that an alternative obligation to 0:1 takeback be available to internet sellers such as payment into a scheme, similar to the current distributor takeback scheme, be used to support increased levels of collections for re-use and recycling? Please select one of the following options: a. Agree b. Disagree c. Unsure



Agree.

37. Please provide any evidence you have to support your answer to question 36.

We understand that in certain circumstances internet sellers may not be able to offer 0:1 takeback and may need to discharge their obligations through payments into a scheme. However, to ensure that there is not a shift for producers to only sell WEEE online (to avoid the need for a take-back option) payments must be higher than the cost of in-store takeback. A stringent exemption assessment should also be required to ensure the most convenient options are being provided for the consumer, not the retailer.

38. Do you agree or disagree that the current information requirements should be enhanced to ensure customers are provided with information about their recycling options 'at the point of sale'? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

39. Please provide any evidence you have to support your answer to question 38.

We support mandatory information regarding reuse, repair and recycling options to be provided at the point of sale. We suggest this is provided in paper form within instruction manuals, online, through QR codes on packaging and on delivery packaging.

40. Do you agree or disagree that the point of producer responsibility should be moved to the retailer or internet seller's premises such as the retailer's store, bulking point, distribution point? Please select one of the following options: a. Agree b. Disagree c. Unsure

Unsure.

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

We suggest that this decision is left up to the Scheme Administrator. Any point of producer responsibility should be allocated according to the most cost effective and efficient position for the consumer and to maximise WEEE waste recovery. The point of producer responsibility should in no way result in the omission of a producer's responsibility.



42. Are there any other obligations we should place on retailers and/or internet sellers to increase levels of collections? Please provide any evidence you have to support your answer to question 40.

We support the following obligations to be placed on retailers and/or internet sellers to increase levels of WEEE collection:

1. Mandatory labelling outlining the various reuse, repair and recycling options available in the UK.
2. A requirement similar to that being proposed under pEPR to contribute to communications campaigns.
3. A requirement for all WEEE waste to be subject to waste tracking.
4. A requirement for managing fly-tipped and littered WEEE to be included in payments.

43. Do you agree or disagree that Online Marketplaces and/or fulfilment houses should have 'take-back' obligations where they facilitate the supply of the product to the householder? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

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

Where Online Marketplaces and/or fulfilment houses supply and/or distribute WEEE goods, they have a responsibility under the Polluter Pays Principle in the Environment Act to facilitate its proper end of life management. Therefore, no exemptions should be given to Online Marketplaces and/or fulfilment houses to fulfil this obligation.

45. How long will industry need to adapt to the proposals set out above? Please select one of the following options: a. Up to 12 months b. 12 to 18 months c. 18 to 24 months d. 24 to 48 months

12 months.

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

According to the Global E-Waste Monitor 2020, the UK generated the second highest amount of e-waste per capita in the world in 2019 (23.9kg), second only to Norway at (26kg) and significantly higher than the global average of 7.3kg per capita. Therefore, Government should challenge industry to deliver under ambitious timelines to improve its collection and reuse and recycling.



Section 3: Our proposals for new producer obligations for Online Marketplaces and fulfilment houses.

47. Do you agree or disagree that Online Marketplaces should be required to fulfil the producer obligations on behalf of their overseas sellers? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

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

Environment Links UK have the same position as the LGA - we welcome and fully support the proposals to require Online Marketplaces to fulfil producer obligations on behalf of their overseas sellers. This is a glaring loophole in the current WEEE producer responsibility regime. According to Mintel, 80% of consumers purchased electrical goods online in 2021, with traditional bricks and mortar footfall continuing to fall and the prediction that online sales will remain strong. Furthermore, where the EU has started to introduce more stringent regulations on product eco-design and safety, the UK risks becoming a dumping ground for cheap electricals.

Capturing the online market in these proposals would not only bolster producer responsibility funding to local authorities who handle this waste stream but would also incentivise online retailers to apply more stringent criteria to what can be sold on their platforms - ultimately as sellers and distributors of EEE they are also responsible.

49. Do you agree or disagree that fulfilment houses should be required to meet the producer obligations on behalf of their overseas sellers? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

50. Please provide any evidence you must support your answer to question 49.

We support the scope of obligated producers being expanded to all producers of EEE within the UK regardless of where they are based, not doing so risks undermining WEEE producer responsibility entirely.

51. Do you agree that Online Marketplaces/fulfilment houses should initially be able to use estimated weight data using a protocol agreed with the environmental regulators? Please select one of the following options: a. Agree b. Disagree c. Unsure

Disagree.



52. If you answered agree to question 51, please provide evidence to explain why exact data cannot be provided.

N/A.

53. What additional costs will accrue to online marketplaces and fulfilment houses because of becoming defined as a producer?

We are not able to comment on additional costs these businesses may incur, beyond those associated with becoming obligated producers. However, having been “free riders” of the system over many years, we believe it is time that they participated in bearing costs associated with the life-cycle impact arising from the products they sell.

54. Please provide any evidence you have to support your answer to question 53.

N/A.

55. What other ways, if any, should government explore to tackle the issue of noncompliance with the WEEE Regulations by online sellers?

Compliance with the WEEE Regulations is essential to ensure a level playing field for all producers. However, this is an ongoing challenge with lack of funding and resources hampering regulators such as the Environment Agency from carrying out inspections and following-up on non-compliance incidents. Therefore a funding boost for regulators is much needed. In addition, there should be stricter penalties in place for non-compliance, inclusive of recovery of costs that are incurred from dealing with individual cases. Alongside this, efforts should be made to educate consumers on their rights regarding WEEE take-back to empower them to challenge businesses who renege on their obligations.

56. Please provide any evidence you have to support your answer to question 55.

N/A.

Section 4: Vapes

57. Do you agree with the proposal to create a new category for vapes? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

58. What additional costs will accrue to producers, compliance schemes and regulators as a result of creating a new category for vapes? Please provide evidence to support your answer.



The impact vapes have on the environment, human health and resource security is too significant for cost to prevent the designation of a new discrete category. Currently, according to WEEE regulation vapes fall under leisure equipment. The producer fee for products in category 7 does not reflect the cost of recycling vapes and the additional cost of dealing with vapes in litter and the residual waste stream. When payments for the disposal of vapes are akin to small electrical toys producers and/or distributors (whose products are far safer and cheaper to dispose of), there is an imbalance in financial responsibility in the market.

Moreover, recent research has found that more than 90% of smaller UK vape and vape juice producers are not registered under waste electrical and electronic equipment (WEEE) regulations. This means the Environment Agency has to waste precious time and resources taking enforcement action against producers who fail to register for the scheme. It is essential that the recategorization of disposable vapes is implemented immediately to avoid the potential for producers to exploit loopholes, including producers adding a USB port to disposable vapes to bypass these restrictions.

59. Are there any other measures, beyond those for eco-modulation and littering set out in the call for evidence, you think government should take to curb the environmental impact of vapes? Please provide evidence to support your answer.

We support the ban for disposable vapes announced in January. With 5 million disposable vapes thrown away per week in the UK, each sale risks the waste of valuable natural resources and threatens the quality of our local environment. However, we would like to see the eco-modulation and littering proposals set out in the Call for Evidence included in this consultation. With every littered vape leading to a chance for accidental ingestion by wild and companion animals, producers must be held responsible for the proper disposal of their products regardless of what form it takes. Currently, the burden of vape recovery and disposal is falling on local authorities who do not have adequate funding or mandate to deliver a high quality service.

Section 5: Proposals for creating a new Scheme Administrator and for measuring performance of the future WEEE EPR scheme.

60. Do you agree or disagree with the principle of establishing Government approved, producer-led Scheme Administrator to carry out specified functions in the reformed WEEE system? Please select one of the following options: a. Agree b. Disagree c. Unsure

Agree.

61. Please provide any evidence you have to support your answer to question 60.



There are several successful examples of producer-led Scheme Administrators for WEEE.

62. If you answered no to question 60, please set out details of an alternative approach to a Scheme Administrator.

N/A.

63. Which of the following functions do you think the Scheme Administrator should carry out?

We believe the Scheme Administrator should be responsible for carrying out all the listed functions with the aim of meeting statutory targets as set-out by the Government.

- a) managing the Producer Balancing system for household WEEE (and non- household if necessary)
- b) administration of a Distributor Takeback Scheme (for use by those distributors who are not required under the new system to offer in store take-back)
- c) development and administration of a compliance fee methodology in consultation with all PCSs, for approval by Government
- d) providing evidence and forecasts of the likely household WEEE arisings – presenting recommendations to government to inform setting annual financial obligations placed on PCSs for household WEEE collections
- e) eco-modulation – support Government on potential new measures which could be applied to specific product categories, including development of a methodology upon which to base the modulation
- f) assess and report on environmental performance of the future system against key performance indicators with recommendations to Government on measures to improve that performance.

64. Are there any additional functions the Scheme Administrator should carry out, in addition to those set out in the question above.

Engaging industry and the public will be critical to driving up recovery rates of WEEE, therefore we would support the centralisation of communication and information campaigns to both sets of stakeholders via the Scheme Administrator.

65. Please provide any other comments on the role of a Scheme Administrator.

The success of the Scheme Administrator will be dependent on having a clear set of mandatory targets to work towards across all proposed routes for WEEE recovery. From the outset, it is also essential that both the Government and the Scheme Administrator must look beyond what is primarily a recycling-focused set of reforms and consider their role,



alongside the value chain, in incentivising overall reduction of EEE consumption and investing in reuse, repair and refurbishment services.

66. Which of the alternative performance indicators listed in the section above do you agree or disagree should be included in the future system?

We agree that all the performance indicators listed should be included in the future system.

- a) Quantity or weight of WEEE in residual waste.
- b) Convenience of recycling.
- c) Volume of WEEE in fly-tipped waste in each of the nations
- d) Level of consumer awareness of value and opportunities for reusing or recycling WEEE
- e) Regular assessment of the carbon impact on the UK WEEE system
- f) Assessment of circular economy performance of the system
- g) Improvements in the quality of WEEE treatment processes
- h) Amount of WEEE diverted for reuse.

67. Are there any other measures of success which the government should consider assessing the performance of the system?

Success measures should also include the overall reduction of WEEE waste arisings, and the footprints associated with UK WEEE consumption. Additionally, we would welcome more granular reporting on the fate of the WEEE collected, beyond collection data. This would also tie-in with gaining a better understanding of how much WEEE is actually recycled and the volume of materials, especially critical minerals contained in these products, that are recovered and diverted back into the system.

Furthermore, we call for transparency on how much WEEE is exported both under the “usable” and “waste” product categories. We anticipate this being enabled by Digital Waste Tracking proposed by the Government and would welcome the acceleration of these measures.

68. Should information be collected to a level to support regional or local? Please select one of the following options: a. Yes b. No c. Unsure

Unsure.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 83 organisations to use their joint voice for the protection of the natural world and



animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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