

WEEE lands in UK

The non-household B2B side of the WEEE Directive has been largely overlooked in the Regulations governing the recycling process - and then there is B2C as well. Vic Clements cuts through the confusion



After years of delay and a plethora of government consultations, the WEEE (electrical and electronic waste) Directive has finally arrived in the UK.

But despite the high profile recycling has acquired, nothing has really been done to educate the businesses that will be affected by this complex legislation. Industry remains confused as to exactly what is to be done, by whom and when. This is particularly the case with non-household or business-to-business (B2B) WEEE.

B2B WEEE has been somewhat neglected in the Regulations and there is widespread misunderstanding in regard to the obligations for B2B producers and those for B2C (business-to-consumer) producers.

B2C producers are responsible for all WEEE under a market share system.

Meanwhile B2B producers are responsible for all WEEE from products placed on the market after 13 August 2005 (New WEEE). **→p14**

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→p13 For products placed on the market before this date (Historic WEEE), they are only responsible for the WEEE from products where they are replaced by new products on a like-for-like basis. Where a replacement is not offered, the end user is responsible for environmentally sound disposal of the WEEE.

But not all member states have designated responsibilities in this way. In Germany and France the last user is always responsible for historic WEEE. In the UK the producer is at liberty to make alternative financing arrangements with their end users for B2B WEEE for which they are responsible, if this makes commercial sense.

The Regulations then require all producers in the UK, including manufacturers, resellers and importers, both B2C and B2B to:

- join an approved PCS (producer compliance scheme) by 15 March 2007
- state the WEEE registration number on all invoices to distributors from 1 July 2007
- mark all products placed on the market after 1 April 2007 with the crossed out wheeled bin symbol, producer identification and date identifier mark
- make information available on re-use and environmentally sound treatment for treatment facilities within one year of placing each new type of product on the market
- keep records on weight and number of products placed on the



market from 1 January 2007

Producers have obligations to finance the collection, treatment and recycling of their WEEE, but they are exempted from this requirement by joining a PCS and it then becomes the responsibility of the scheme to register them with the Environment Agency, report the appropriate data and ensure treatment of the WEEE is properly financed.

A significant feature of the UK implementation is that, unlike other member states, it is obligatory for producers to join a PCS, irrespective of whether they operate as B2C or B2B.

The Regulations do allow companies to set up their own 'single member schemes' but the cost and administrative burden of registration and reporting would certainly rule out many companies from setting

up such schemes. So, as expected, we have a relatively small number of approved schemes covering the vast majority of producers.

As all producers must join a scheme it is important to understand they are not necessarily the same in the way they operate, and there are major differences between the duties and obligations of a B2C PCS and a B2B PCS.

B2C schemes must have the capability to ensure their members' allocations under the market share system are met. This entails making arrangements with designated collection facilities (DCFs) and approved authorised treatment facilities (AATFs) so WEEE of the right type and quantity is treated and recycled.

B2B WEEE must be collected by arrangement from the last user and

taken to a treatment facility by a licensed waste carrier.

Crucially, although the Regulations generally make schemes responsible for financing the collection, treatment and recycling of their members' products, in the case of B2B WEEE they leave it open for members to make their own arrangements and to use the scheme solely for registration and reporting.

This is important to understand as many B2B producers think that only compliance schemes can contract directly with the transport companies, AATFs and recyclers, and will pay the management fees charged by the scheme for organising this without looking into potentially more cost effective direct contracts.

For a solely B2B producer, membership of a scheme that offers the opportunity to exploit the flexibility in the Regulations should be first choice.

The message for B2B producers is firstly to understand the differences between B2B and B2C requirements in the regulations and to recognise the opportunities for reducing costs that this offers. Then they should find a producer compliance scheme that has a full understanding of how B2B compliance works and will allow them to take advantage of these opportunities.

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