

# UK WEEE Regulations 2013 – Government response to the consultation on proposed amendments: Valpak member summary

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Defra has now released the response to the consultation on proposed amendments to the UK WEEE Regulations. The consultation was set out in three parts:

- Part 1 – implementation options for the move to “open scope”
- Part 2 – other proposed changes to the UK WEEE Regulations, including mandatory membership of the Producer Compliance Scheme Balancing System (PBS) for producer compliance schemes and an amendment to how fees are allocated amongst UK enforcement Agencies
- Part 3 – requests stakeholder feedback to how well the UK WEEE Regulations have met the policy objectives

We have provided below a summary of the main points from the Government response document. Full details of the original consultation and response document can be found [here](#).

## Part 1 – implementation options for the move to “open scope”

The consultation asked for feedback to three implementation options for the UK WEEE regulations move to open scope.

- Option 1: Move to 6 Categories for EEE and WEEE reporting
- Option 2: Change Regulations to maintain 14 categories (government preferred option)
- Option 3: Move to 6 categories with 3 additional sub-categories

90 respondents ranked their option preferences, with 75% ranking option 2 (to retain 14 categories) as their first choice, with a number of other respondents ranking option 2 as their second choice. **Defra has therefore confirmed that option 2 will be implemented from 1 January 2019 and the 14 category system will be maintained.** This will require an amendment to the UK WEEE Regulations, which are currently written to move to a six category system. It was included in the original consultation that Government will work with industry to implement a protocol which will allow the 14 categories to be converted to six categories for the purposes of EU reporting.

### Additional products coming into scope

The consultation requested feedback regarding products which may come into scope from 1 January 2019. The consultation acknowledges that **household luminaires** is likely to be the significant change to scoping. **A list of other suggested products is now with the environment agencies to review, and we understand that discussions will be held with industry.** Scoping guidance will then be updated accordingly. **We will keep members informed when we receive further details.**

## Part 2 – other proposed changes to the UK WEEE Regulations

### Producer Compliance Scheme Balancing System (PBS)

Under regulation 34 of the UK WEEE Regulations a Local Authority is able to request a collection of WEEE from a Producer Compliance Scheme (PCS) if they have been unable to enter into a collection contract with a PCS. In order to complete these collections a number of PCSs formed the (voluntary) PBS. The aims are to share the requirements and costs of regulation 34 collections and to add stability in the system by completing the collections for at least 6 months. In response to the Government proposal to amend the regulations to make membership to the PBS mandatory, 76% of respondents supported this amendment.

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**Government will introduce a mandatory requirement for PCSs to be part of a PBS-type scheme. Any scheme would be subject to consultation before approval.**

## WEEE registration fees

In autumn 2017 the Environment Agency consulted on amendments to the WEEE registration fees. The proposals included a required amendment to the UK WEEE Regulations to allow enforcement agencies to charge producer registrations fees based on the producer's principle business location. Government has confirmed that the UK WEEE Regulations will be updated to reflect this. Currently the other enforcement agencies (SEPA, NIEA and NRW) are not planning to change their charges. **Therefore if your principle place of business is in England you will receive a higher 2019 EA registration fee.**

Producer	Current	Revised Charge
All other large producers	£445	£750
Producer VAT registered and <£1million turnover	£210	£750
Producer who is not VAT registered	£30	£100
Overseas producer (if not VAT registered)	£30	£100
Overseas producer (if VAT registered)	£445	£375
Small producer	£30	£30 (no change)

## Part 3 – post implementation review: stakeholder feedback

There is a statutory requirement for the Secretary of State to review the UK WEEE Regulations by the end of 2018. The consultation therefore requested stakeholder feedback to feed into the review. A number of issues were raised and **Government will fully evaluate responses, and publish the review by the end of 2018. This will also inform the upcoming Resources and Waste Strategy. Government will convene an industry roundtable to specifically discuss the issues raised in the consultation regarding potential free-riding of online EEE sellers.**