

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) AND RESTRICTION ON CERTAIN HAZARDOUS SUBSTANCES IN ELECTRONIC AND ELECTRICAL EQUIPMENT (ROHS) DIRECTIVES

Frequently Asked Questions

What are the WEEE and ROHS Directives?

WEEE stands for Waste Electrical and Electronic Equipment. ROHS stands for the Restriction of Certain Hazardous Substances in electrical and electronic equipment. Both the WEEE and ROHS Directives are pieces of European legislation which require all European member States, including the UK, to improve the way we manage WEEE.

In particular, the Directives require the Government to implement UK legislation to meet certain new requirements. As a company operating in the UK you are not legally required to meet the requirements of the WEEE Directive itself, you will be required to meet the requirements of the implementing UK legislation. This UK legislation is in the process of being developed and has to be finalised by August 2004.

Why do we have these Directives, are they really necessary?

Implementing the Directives' requirements should reduce risks to human health and environment through the proper treatment of waste and a reduction in hazardous substances. We also expect benefits through the conservation of raw materials and of energy resources. For most of the products covered by the study, we found that the Directives should lead to a reduction in air pollution, including CO₂ and ozone depleting substances, and water toxicity by more than 50% when compared to existing practice. In particular, the WEEE Directive will help us to divert between 133,000 and 339,300 tonnes of waste from landfill and the ROHS Directive should help future recycling through reducing the need for special handling, allowing a reduction in recycling costs.

Are WEEE and ROHS "Single Market" Directives?

"Single Market" Directives are a specific type of EU legislation that apply to all member States and must be implemented in the same way to prevent differences in interpretation across the Union. This is especially important for Directives setting standards for products, since it means that manufacturers won't have to make different products for each member State.

The WEEE Directive is not a single market Directive. It sets minimum criteria that member States may exceed if they wish. The ROHS Directive is a single market Directive, since it sets product standards.

Are the two Directives related?

Yes. The WEEE Directive aims to raise levels of recycling of WEEE and encourage products to be designed with dismantling and recycling in mind. A key part of this is to make manufacturers and importers (“producers”) of electrical and electronic equipment responsible for meeting the costs of the collection, treatment and recovery of WEEE. If products are designed with this in mind, there is an opportunity to reduce these costs.

The ROHS Directive fits into this by reducing the amount of hazardous substances used in products. This lessens the risks to recycling staff and means that less special handling is required, again leading to a reduction in recycling costs.

What types of equipment do the Directives cover?

The WEEE Directive includes a list of categories of electrical and electronic equipment. These are presented in Annex 1A of the Directive. There are 10 categories ranging from large household appliances to automatic dispensers. Annex 1B of the Directives lists some example products within each of these categories. However, this is only a list of examples and other products, which fit into the categories, are also included.

The ROHS Directive applies to the same products as covered in the Annexes to the WEEE Directive with the exclusion of categories 8 and 9 (medical devices and monitoring & control instruments).

There are some products which may be considered ‘borderline’ items as they do not fit neatly into any particular category. The UK Government is seeking further advice on borderline products from the European Commission.

What does ‘producer responsibility’ mean?

Producer responsibility means making the ‘producer of a product’ responsible for the product once it becomes waste. At the moment in the UK, the company or individual disposing of waste is responsible for the costs of its disposal or recycling. The general public pay for waste management through council tax payments and businesses pay waste collection companies to remove and manage their waste.

In the future, producers of electrical products will be paying for the management of their products once they become waste.

Who is a producer?

A ‘producer’ of electrical or electronic products includes companies, which manufacture electrical or electronic products, but also importers of electrical and electronic products. The majority of electrical and electronic products used in the UK have been imported. Many UK ‘producers’ will actually be importers.

Producers will also include retailers who sell their own branded products and assembly companies selling their own branded products.

How much WEEE do we have to collect and recycle?

The WEEE Directive sets two types of targets: collection targets and recovery/recycling targets.

It requires the UK to separately collect at least 4kg of household WEEE per inhabitant per year (around 250,000 tonnes). It does not set a collection target for WEEE from business customers (WEEE from users other than private households).

All WEEE, which has been 'separately collected', will need to be sent for specialist treatment and recovery. If it is not separately collected it does not need to be sent for the specialist treatment and recovery processes specified in the WEEE Directive. However it will still need to be managed according to general waste management controls.

What does 'separately collect' mean?

The exact definition needs to be agreed. But, generally, for household WEEE, 'Separately collect' means providing the facilities to ensure that WEEE can be discarded separately from other waste or rubbish. If a householder decides to throw a broken hairdryer in the dustbin with their other waste, the hairdryer has not been separately collected. There is no obligation on anybody (e.g. a Local Authority) to separate it later.

What is "specialist treatment"?

The WEEE Directive sets out criteria for treatment that must be carried out on separately collected WEEE before it is sent for further processing and recycling/recovery. This includes the removal of certain hazardous substances (e.g. lead, mercury) and components that contains them. In addition, all liquids and some items such as printed circuit boards have to be removed. The treatment may only be carried out by properly licensed operators.

Are we likely to meet the collection target of 4kg of household WEEE per inhabitant per year?

Latest industry data suggests we already exceed this collection target.

Why do we need to anything more, if the UK already meets the WEEE collection target?

The collection target is just one requirement. Once WEEE has been separately collected the Directive requires specialist treatment and recovery/recycling of the waste products. The UK currently collects over 4 kg/householder/year but we do not treat and recycle these products according to the requirements of the Directive. In addition, we would expect the greater opportunities to return WEEE separately (as required by the Directive) to lead to further increases above our current collection rate.

Will it be illegal to throw waste electrical appliances in the dustbin or general skip?

The WEEE Directive, and future implementing UK legislation, will not make it illegal to throw electrical products in the dustbin or in a general skip with other rubbish. However, facilities will be established to encourage individuals and businesses to separate their waste electrical equipment. The individual or company discarding the waste appliance or equipment will be able to decide whether or not to make use of the facility.

What does recovery mean?

The WEEE Directive sets a collection target for household WEEE. It also sets recycling/reuse and recovery targets. Recovery does not mean 'collect'. Recovery is a waste management term. It includes recycling, burning with energy recovery and composting.

What does recycling mean?

Recycling has a specific meaning and means the reprocessing of material into a new material. For example, melting steel scrap into new steel product or glass into new glass.

What does reuse mean?

Reuse also has a specific meaning. Reuse can be applied to whole appliances or to components or parts. Typical examples of reuse of whole appliances include the refurbishment and sale of photocopier machines, the refurbishment of IT equipment etc.

Will separately collected WEEE re-used as whole appliances count towards the UK's collection target?

WEEE re-used as whole appliances will count towards the UK's collection target of 4kg per inhabitant by December 2006, if it is first separately collected as WEEE and is then subsequently assessed for reuse and taken out of the waste stream. However whole appliances from private households donated directly to reuse organisations with the intention of reuse i.e. not perceived as waste by the householder, will not count towards the collection target unless they cannot be refurbished and are subsequently discarded as scrap.

Will separately collected WEEE re-used as whole appliances count towards the UK's recovery/ recycling targets?

WEEE re-used as whole appliances will not be taken into account for the calculation of the recovery, recycling/reuse targets. However the re-use of components will count towards the recycling target. Recovery targets will be calculated based on the weight of separately collected WEEE left over after the removal of whole appliances for reuse.

The WEEE Directive states that priority is to be given to the reuse of whole appliances. Additionally Member States are required to record levels of whole appliance reuse to inform a future reuse target.

So what is the difference between the recovery and recycling targets?

This is probably best explained through an example. The recovery and recycling/reuse targets for Category 1 equipment (large household appliances) are 80% and 75% respectively.

This target only applies once waste has been separately collected. If 100 tonnes of waste fridges, washing machines, tumble driers etc has been collected, 75 tonnes of this material would need to be reused or recycled. A further 5 tonnes, to make up to 80 tonnes, could be reused, recycled or burn with energy recovery.

Will producers have to seek out their old products to recycle them?

A producer may decide that they wish to set up a 'closed loop' system to ensure their products are returned to them and then carry out the necessary treatment, recycling and recovery of their products themselves. However, this will not be a legal requirement.

Producer responsibility is likely to be interpreted as 'financial' producer responsibility. In other words, producers will need to be able to provide some evidence that they have contributed towards the financial costs of treating, recycling and recovering any WEEE, which has been separately collected.

How will WEEE from business users be collected?

Producers will need to establish or contribute to systems which allow businesses to return their WEEE. The costs of returning, treating and recycling WEEE will need to be met by producers.

Do retailers have a role to play?

Yes. If requested by the consumer, retailers will be legally required to accept a 'similar' waste appliance or product on the sale of a new product on a one for one basis or offer some alternative means of take-back (e.g. a prepaid bag to return an old mobile phone). However, many products are discarded without a new product being purchased and other WEEE collection facilities will need to be available.

Do local authorities have any obligations under the Directive?

No. However, we will want to build on existing infrastructure where this is feasible whilst recognising that not all Local Authorities will be able to adapt their facilities to meet the requirements of the WEEE Directive, due to planning and space constraints. If the UK implementation of the Directive imposes any net additional costs directly upon Local Authorities, specific costs could be reimbursed by central government through the 'new burdens' funds arrangement.

We hear much more about the WEEE Directive than the ROHS Directive. Why?

The ROHS Directive is legally more 'clear cut', however commercially it is potentially more important. It requires producers to ensure that products they 'place on the market' do not contain lead, mercury, hexavalent chromium and certain brominated flame retardants (polybrominated biphenyls and polybrominated diphenyl ethers) from 1 July 2006.

What does 'placed on the market' mean?

The ROHS Directive restricts what kind substances can be present in electrical products sold on the European market. If a product contains one of the restricted substances, it will be illegal to sell this in Europe after 1 July 2006.

Are there any exemptions?

The Annex of ROHS Directive lists a number of exemptions where the restricted substances can continue to be used. This list of exceptions can be reviewed at European level. Additional exemptions can be proposed when the elimination or substitution with other substances is technically or scientifically impracticable or would cause other undesirable impacts. However, this review process will take time and any further exemptions will need to be supported sufficient and suitable evidence. It will need to be agreed at European level.

What about low levels of the restricted substances which may be found naturally in particular materials or components?

The Directive recognises that low levels of the restricted substances may be found in electrical products or components. A committee at European level will be establishing maximum concentration levels of the restricted substances, which will allow certain minimum levels to exist in products.

Can we continue to sell products containing the restricted substances outside Europe?

As the ROHS Directive is a European Directive, it will be implemented in all European Member States. Countries outside the European Union will not need to impose the same restrictions however they may choose to do so under their own domestic legislation.