



EU / UK WEEE Review

Review Does Not Mean Deregulation

The UK Government are committed to pursuing self regulation over legislation wherever possible. However, to suggest, as some have done, that the WEEE Directive might be scrapped is incorrect.

DEFRA's 14 February 2006 consultation document and the EU's own memo on "Simplifying Brussels" of October 2005, both make clear, WEEE may be delayed but it is here to stay, without it producers simply will not assume the responsibilities expected of them, under the "polluter pays" principle, and change their working practices to ensure sustainable development.

In 2008, "Producers" will assume total responsibility for the costs of appropriate treatment and disposal of their products at end-of-life. No ambiguity, no wriggle-room, no excuses. Since 1990, under the Environmental Protection Act "users" have had these responsibilities. Responsibilities which were further clarified for businesses and households by the Environmental Protection (Duty of Care) Regulations in 1991.

WEEE is not perfect however. The EU has never intended either the WEEE Directive or any other Directive to be final and permanent but, like all legislation, to evolve as our societal needs mature and priorities change. Indeed, anyone reading the 2002 WEEE Directive will quickly see that the timeline of 2008 is critically important as a milestone for the next major revision. There are many drivers for this follow-up, just as there are many parties who would like to see WEEE 2002 implementation delayed as long as possible.

Transposing the WEEE Directive (or RoHS, or EuP for that matter) is an important first step towards full producer responsibility. It forces the producers to prepare their products for proper treatment, encourages reuse and recycling over disposal, and begins to make them accountable for the hazards and inefficiencies of their processes. Producers have every incentive to delay implementation, but as a society we have every incentive to make them responsible. Soon.

Arguments can and will be made about the different approaches taken to achieve this in different countries and regions. In the UK we have some of the worst examples of disjointed policy and regulation without even considering the rest of the EU. The Government, DEFRA and various agencies all realise this and, like the EU Commission itself, are very concerned about the lack of harmony. For the purposes of WEEE implementation, the border between England and Scotland is hugely significant in terms of the costs and processes via which WEEE can be handled. There is no simple mechanism for producers within these shores let alone on the wider market. Obviously, both the EU and the UK have some work to do to minimise regional differences and smooth the flow of goods across internal borders. As you will see below there is a significant effort underway already.

At CKS, we believe that the short term regional freedoms to "interpret" these Directives have had a positive outcome. Schemes that are cost effective, respect the privacy and confidentiality of participants, deliver greater fairness and are simple to operate are emerging, e.g. the German B2B clearing house portal. By the same token, schemes that are over-engineered and fundamentally unfair have quickly been doomed to the scrap heap, e.g. the UK's planned National Clearing House. The priority that we see is for the EU to pick up ownership of the better systems and to make their availability consistent across the expanded union. Harmonisation of policy and regulation is important, but not at the expense of further delays. The UK should halt its efforts to reinvent the wheel and take second-mover advantage of systems that work well elsewhere. Microsoft does and it's a good business model!

The same producers that are complying in other countries are lobbying for delays in the UK... WEEE does work and must work.

The solution is in our own hands not the EU's.

A number of background points...

- Late last year, Klaus Kögler was announced as the incumbent for the position of head of the Sustainable Production and Consumption Unit, within the Environment Directorate General of the EU Commission.
- Klaus Kögler was to take over the waste management portfolio – review of shipment regulations, WEEE Directive, the Mining Waste Directive and the Batteries Directive; he would also be reviewing the general recycling policy.
- There are obviously national plans on waste prevention but a review of the Waste Framework Directive (75/442/EC) has been requested by stakeholders (local governments, producers, etc.) to improve and simplify EU legislation.
- The overall aim of the proposal for revision is to optimise the provisions of the Waste Framework Directive whilst maintaining its essential structure and key provisions. What is suggested is a refinement of the Directive, rather than a root and branch overhaul. There are three reasons quoted by the EU for this review...
 - It has become evident that a certain number of definitions in Directive 75/442/EEC are not sufficiently clear, leading to variation and uncertainty in the interpretation of these key provisions from Member State to Member State and in some cases from region to region. The objective is to put forward clearer definitions and/or a mechanism to clarify the issue at the EU level as appropriate.
 - The Thematic Strategy (detailed below) on the prevention and recycling of waste introduces a new approach to waste policy that is better adapted to a situation where most of the significant waste management operations are now covered by environmental legislation. It is important that the Waste Framework Directive is adapted to this approach
 - To simplify existing legislation.
- On 21 December 2005, the European Commission proposed a new strategy on the prevention and recycling of waste. This strategy is one of the seven thematic strategies programmed by the 6th Environmental Action Plan.
- The Sixth Environment Action Programme (6th EAP), which was adopted by the European Parliament and Council in 2002 and runs until 2012, requires the European Commission to prepare Thematic Strategies covering seven areas:
 - Air Pollution (adopted 21/09/2005)
 - Prevention and Recycling of Waste (adopted 21/12/2005)
 - Protection and Conservation of the Marine Environment (adopted 24/10/2005)
 - Soil
 - Sustainable Use of Pesticides
 - Sustainable Use of Resources (adopted 21/12/2005)
 - Urban Environment (adopted 11/01/2006)
- The Thematic Strategies represent the next generation of environment policy. As their name suggests, they work with themes rather than with specific pollutants or economic activities as has been the case in the past. They take a longer-term perspective in setting clear environmental objectives to around 2020 and will thus provide a stable policy framework. Finally, they focus on identifying the most appropriate instruments to deliver European policy goals in the least burdensome and most cost effective way possible.
- Each strategy is founded on thorough research and science, and follows an in-depth review of existing policy and wide-ranging stakeholder consultation. The aim has been to create positive synergies between the seven strategies, as well as to integrate them with existing sectoral policies, the Lisbon Strategy and the Sustainable Development Strategy. Each Thematic Strategy will thus help achieve the long-term goal of environmental sustainability while contributing to the Lisbon goals of enhancing growth and employment and promoting eco-innovation.
- The Thematic Strategies are also an important contribution to the Better Regulation and simplification exercises. They simplify and clarify existing legislation and propose proportionate legislation where new laws are deemed necessary.

- The publication "EU Waste Policy – The Story behind the Strategy" explains in detail the steps and policy approach leading to the Strategy. This can be found at...
http://europa.eu.int/comm/environment/waste/pdf/story_book.pdf
- In the UK, based on HM Government's 2005 "Strategic Framework" for sustainable development, and the EU's work as outlined above, DEFRA are currently engaging in a consultation and review exercise to ensure policy alignment and harmonisation of regulations, via the publication of "Review of England's Waste Strategy – A Consultation Document". This consultation process closes on 9 May 2006. Included in this are two key objectives, i.e.
 - Simplifying the regulatory system and making it more proportionate through reforms of the permitting and exemption systems, better guidance and communication, and risk-based enforcement (page 27).
 - Extending producer responsibility in a range of sectors to prevent waste and increase recycling and recovery – looking for voluntary agreements with regulation only if the voluntary approach does not deliver (pages 29 & 49).
 - This consultation seeks to leverage the WEEE Directive and improve its effectiveness, it does NOT suggest in any way not implementing it in full.
- Of direct relevance to "WEEE"...
 - The "Prevention and Recycling of Waste" thematic strategy deals with EU aims for the prevention of waste, encouragement of recycling and simplification of regulation.
 - The "Sustainable Use of Resources" thematic strategy is focussed on resource use, sustainable production & consumption.
 - On 22 December 2005, a fifth call was published for projects on Scientific Support to Policy (SSP5), included a task on "Use of life-cycle thinking for the overall mapping of the environmental issues of waste generation and management". This call will close on 22 March 2006.
- With respect to RoHS...
 - It is false to suggest that the UK Government has not transposed the RoHS Directive.
 - Statutory Instrument 2005 No. 2748, achieves this.
 - This SI maintains the integrity of the EU's dates so the UK is not liable to further prosecution by the Commission on behalf of Producers for bringing the dates forward.

ABOUT CKS GROUP PLC

Since 1997, CKS Group plc is one of the UK's leading end-of-life IT asset management companies servicing: business users such as the Nationwide Building Society; leading ICT providers such as Getronics and Computer Sciences Corporation (CSC); and, manufacturers such as Sagem.

CKS assume ownership of environmental obligations and indemnify socially responsible corporate customers against end-of-life IT asset disposal issues.

With a holistic project approach and their risk management skills, CKS are well positioned to help their customers navigate and balance complex compliance issues affecting supply chain costs, risks and asset value. CKS consultants facilitate strategic leadership in inventory management by eliminating in-life and end-of-life wastage in ways that benefit a range of stakeholders. In particular, CKS will develop a practical game plan to match the customer's unique priorities.

CKS processes and processing facilities guarantee the security assured destruction of confidential data and return value on redundant assets to their customers through ethical treatment, deployment / redeployment, resale / remarketing, charitable donation, recycling and safe disposal.

CKS is an IIP accredited company and their customers value their passion, straight forward approach and flexibility.

The CKS vision is to be the trusted business partner for life cycle responsibility management.