

A call to arms: Stop the dithering over WEEE

WEEE producers are making the recycling industry pay for the disposal of their products and the government has let this go on for too long says *Derek Morgan* practice director of CKS Group, a refurbishing specialist in the IT and Telecoms sector. What steps should the industry take?

LN CASE you didn't know: Directive 2002/96/EC, on waste electrical and electronic equipment (WEEE), of 27 January 2003... Article 17, paragraph 1 states that: "Member states shall bring into force the laws, regulations and administrative provisions necessary to comply with this directive by 13 August 2004."

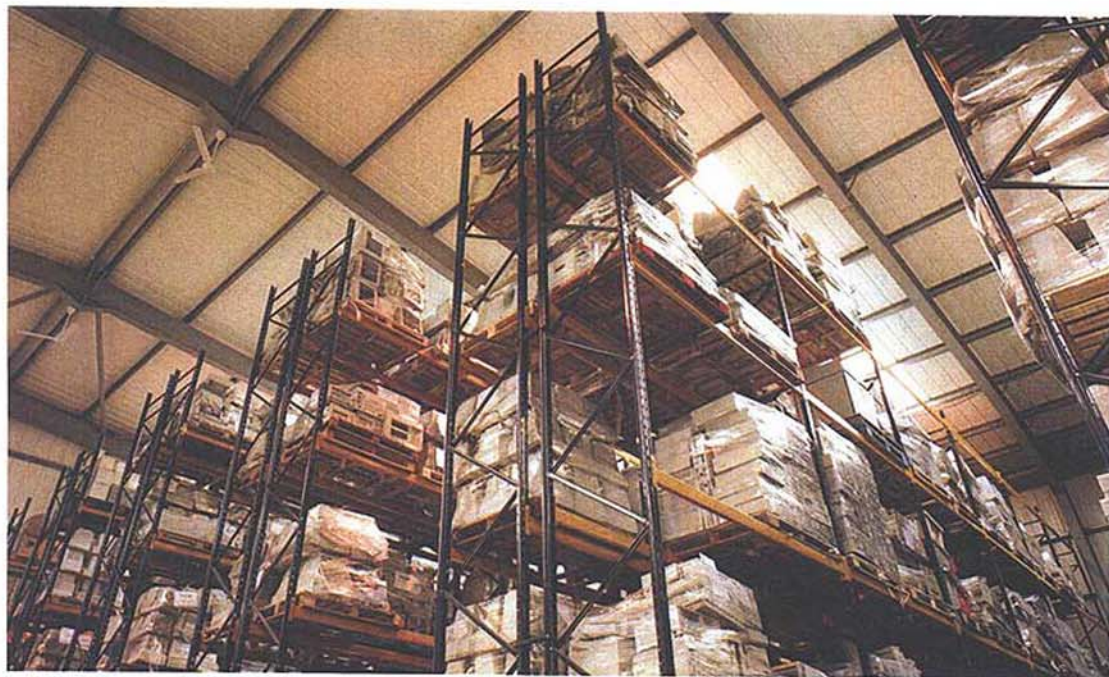
As at the publication date of this magazine, the UK has missed this deadline by 713 days. We are about to enter the latest 'final' round of public consultation before implementation.

Currently, producer registration is expected to start on 1 January 2007.

The government wants the cost responsibilities off its books by the next budget cycle in April, and full implementation is hoped for by 1 July 2007 - 1,062 days late and just 549 days before it all changes.

On 31 December 2008, the EU will change the recycling and recovery targets for the different categories of WEEE. They will introduce additional targets for reuse for each category and category 8 (medical devices) will be measured for the first time.

To put this in its proper context, during that same period, the EU additionally plans to introduce and complete a programme of simplification that covers 222 basic legislations and over 1,400 related legal acts, including the WEEE Directive and the 1975 Waste Framework Directive which provides the context and foundation for our industry, including the related RoHS, EuP, Batteries and Hazardous Waste Directives.



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champion for the UK via the recent appointment of Lord James Lindsay. He is described as having "a strong interest in the use of voluntary agreements and standards".

The BRC believes that regulations will hinder innovation if they are over prescriptive; tie in particular technology; change all the time with little notice; look at the world through a rear view mirror and are not targeted.

By the same token, it is not clear what their feelings are about inconsistent and parochial regulations that hinder the smooth and equitable flow of goods and services across the EU.

Strangely, until 9 June this year the BRC was still soliciting ideas about what to do. Here is a suggestion.

Make it free of charge, subject to public scrutiny, and only 48 days late. Stop the current practice of treating transposition as an exercise in innovation. The government has [already] held three public consultations on proposals for implementing the WEEE Directive. Is it cultural arrogance?

Must we really invent a better mousetrap before we address the growing plague?

Looking back in time, this is what has been going on during the past days, months and, sadly, years.

Someone in "the service" has not shifted one iota from an agenda for bureaucratic innovation at the expense of the environment.

Having failed to win investment support (or develop a viable business case) for the National Clearing House, watch out for the new 'WEEE Exchange' which has a strangely similar purpose.

Frustratingly, the government acknowledges that there is a lot of detail still to be worked out, including setting up the WEEE Exchange, the timing of when producers will pay, and how the costs will be shared.

This begs the question: what the heck have they been doing if we have made no progress on these issues in the 756 days since their last (and to date only) draft guidance?

The WEEE Directive has been around for so long that it is easy to forget its original principles in the midst of this messy consultation. As a reminder, here are the first 14 words of the objective: "The purpose of this Directive is, as a first priority, the prevention of waste".

The bureaucratic waste must end. A timetable is promised, what is needed now is commitment. Contrary to the comments of minister Malcolm Wicks, business has not welcomed the delays.

Business is confused and in that confusion it is in a worse state than before. Confusion is leading to mass inaction in the market, and corporations in particular assume it is someone else's problem. Simply, the delayers will be directly responsible for more than 1,000 days of needless harm to the environment.

By contrast, producers do welcome the

delays and argue for even more time.

But then again, under the 'polluter pays' principle it isn't difficult to recognise why. Like RoHS, the WEEE Directive seeks to change producer behaviour.

It is my contention that the producers have found another way to prevent this - through endless consultation and bickering with a government that is petrified of decision making, ironically in an area where Europe has already taken all the hard decisions for them.

Unfortunately, while it can be very tempting to take the option of EU infringement proceedings against our own government under Article 226, there is no censure available for individual incompetence.

I feel that it will be the EU simplification programme that eventually clears the air.

Will you invest the estimated £10 billion that is required over the next 1,254 days? In less time than it will take to complete just one new Olympic stadium, who will?

Your recycling business is under threat. The producers are sitting comfortable and making you pay for their mess, and the government has allowed this to go on for too long. I

If you think that dealing with monopoly-like compliance schemes is going to make life easier you are wrong. Get angry.

Enjoy the next consultation. There's everything to gain or lose.

Our track record in the UK is deeply embarrassing

No matter what you might think about the EU and its commission, our track record here in the UK is deeply embarrassing.

There is still no public timetable on the DTI's web site that maps the way towards full implementation. Not that they haven't been busy of course, the web site has been restructured, the deck chairs reorganised, and almost laughably, 'sustainability' now comes under the general theme of 'innovation'.

However, in a nod towards the EU simplification programme, the DTI should be given credit for the link to the local Better Regulation Commission (BRC) who significantly expanded their team in April this year.

Encouragingly there might even be a