



# Producer beware

There is still some confusion about the role of producer compliance schemes. **Vic Clements** explains what you need to be aware of come July

**T**he Waste Electrical and Electronic Equipment (Weee) regulations require all manufacturers and importers of affected electrical and electronic equipment in the UK to:

- Join an approved producer compliance scheme by March 15, 2007
- Provide Weee collection, treatment and recovery arrangements from July 1, 2007
- State their Weee registration number on all invoices from July 1, 2007
- Mark all products with the crossed-out wheelee bin symbol, producer identification and date identifier mark to indicate it was put on the market after August 13, 2005
- Make available information on reuse 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 put on the market from January 1, 2007

It is important to realise that the responsibilities for business-to-business (B2B) producers are different to those for business-to-consumer (B2C) producers. B2B producers will be responsible for collection, treatment and recovery of Weee from their products placed on the market after August 13



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2005 (new Weee) and also for Weee from products placed on the market before this date (historic Weee), where they are replaced by new products on a like-for-like basis.

Where replacement is not offered, the end user is responsible for the environmentally sound disposal of the Weee. Under regulation 9(2) the producer is at liberty to make alternative financing arrangements with their end users if this makes commercial sense.

This is fundamentally different to the B2C situation, where the producer is always responsible and cannot negotiate any alternative financing arrangement with the consumer. A further fundamental difference is that, whereas B2C Weee is expected to be taken to designated collection facilities and civic amenity sites, B2B Weee must be collected by arrangement from the last user and taken to a treatment facility.

A significant feature of the UK's Weee regulations is that, unlike other member states, it will be obligatory for all producers to join an approved producer compliance scheme. The Weee regulations do allow companies to set up their own Single Member Schemes. But this can be costly and administratively burdensome, and would certainly discourage many companies.

There is still confusion over the role of producer compliance schemes for B2B Weee. Their prime role is to act as an interface between their members and the authorities, and to fulfil the registration and reporting obligations. Regulation 23 (2) allows a scheme to make alternative arrangements with producers for financing the costs of the collection, treatment, recovery and environmentally sound disposal.

Many producers think that only compliance schemes can contract directly with the transport companies and treatment facilities, and will happily pay the management fees charged by some schemes for organising this – without looking into potentially more cost-effective direct contracts that the B2B rules allow.

It was to take advantage of this flexibility that Environ decided to launch its own scheme for B2B producers.

The scheme meets the registration and reporting obligations on behalf of its members but also offers them the option of arranging collection, treatment and recycling of their Weee themselves. A major benefit of this approach is that members can continue to use any existing arrangements they have with treatment facilities and recyclers or seek out the best commercial arrangements they can. Should they not wish to take up this option, then the scheme will put in place a system for managing and financing collection, treatment and recycling on their behalf.

This system is web-based, and, once installed on the member's website, can be easily extended to handle Weee in the other member states. More information can be found at [www.b2bweee-scheme.com](http://www.b2bweee-scheme.com)

In summary, it is important for B2B producers to weigh up the commercial opportunities and benefits available to them under Regulations 9 (2) and 20 (2). In particular, producers should consider whether they want to make alternative financing arrangements with their end users, and use their own arrangements for collection, treatment and recovery of their Weee. **EB**

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## The Weee timeline

### ■ February 2003

Consultation begins on the Waste Electrical and Electronic Equipment (Weee) directive which is agreed by European Union. The

directive aims to encourage recycling of electric and electronic goods. It makes producers responsible for financing the collection, treatment and recovery of waste electrical equip-

ment and forces distributors to allow customers to return waste equipment for free

### ■ August 2004

Weee is supposed to have been made into