

Key Responsibilities under the WEEE Directive

The government is responsible for the regulation and monitoring of the implementation of the WEEE Directive. Under the terms of the legislation, EU member state governments are given the powers to impose any system of penalties and restrictions that they believe to be necessary to act as a sufficient deterrent to discourage WEEE producers from breaking the new laws. As there are no stringent guidelines contained within the legislation as to how the government should or could regulate the Directive, it is somewhat difficult to predict how the government at UK and Scottish levels may chose to do so. There are several possible methods that the government might utilise to regulate the disposal of WEEE including taxation, tradable permits and fines amongst others. The key responsibilities of equipment manufacturers, government and consumers are outlined below alongside suggestions as to how these may be enforced. It is worth noting that the responsibility for regulating the WEEE Directive at local level will rest with the Scottish Environmental Protection Agency (SEPA) in Scotland and the Environment Agency in England and Wales.

Manufacturers of electrical and electronic equipment (EEE) are required to finance the costs of WEEE management from August 2005. For products that were on the market prior to this time¹, the financial burden of disposal may, with the exception of private households, be placed upon the user of the equipment. The exemption of private households from bearing the full costs of disposal holds, even for equipment placed on the market following August 2005, where the local council is obliged to provide collection of WEEE and dispose of it on behalf of the private individual. As has been stated, it is unclear as yet how the government at local and national level will enforce this legislation. However, recycling firm MIREC² has conducted some research into the Directive and has suggested that if companies fail to comply with the Directive in terms of environmentally responsible disposal, then the government may choose to fine the original manufacturer of the equipment, the company disposing of the equipment, the local council or all three of these groups for failing to adhere to the terms of the Directive. Companies would be ill advised to believe that they should adopt a "wait and see" policy with regards to the WEEE Directive. Those who put in place early procedures for sustainable IT procurement and disposal, and who monitor these to ensure that they are adhered to, will be best placed to avoid the potentially stringent financial penalties for failure to comply. Such companies will also save money through a policy of upgrading existing equipment where possible. Suggestions as to how a company may put in place more sustainable policies for computer equipment are contained in the section titled "What can businesses do?".

Concerns have been raised regarding the wording of Article Nine, which sets out this responsibility in relation to the possible effect on manufacturers' accounting position. As a result, changes to this Article have been agreed in principle that would mean producers would only be required to accept WEEE from the last business holder, free of charge on a one to one basis when supplying new equipment. One possible consequence of this change is that the costs of disposal where this is not the case may have to be borne directly by the business wishing to dispose of any equipment placed on the market prior to August 2005. It is very likely that the costs of disposal will be reflected in changing prices, especially for business customers. Furthermore, it is possible that supply agreements may be changed by suppliers stating that they will only accept responsibility for redundant equipment disposal on a one to one basis, leaving businesses with the responsibility of paying for disposal of equipment that they do not intend to replace. There are several possible mechanisms that the government may use to ensure that these obligations are met through various economic measures including the use of

¹ At present, a labelling scheme which will indicate when equipment was placed on the market is being developed to provide a "date stamp" to allow ease of identification of equipment.

² MIREC's UK operations are based in Dumfries and Gloucestershire with their parent company being in the Netherlands.

taxation, stringent regulatory measures, tradable permits, spending programmes and voluntary agreements. The Department for Trade and Industry (DTi) has indicated recently that the government will consider alternatives to taxation programmes to achieve compliance if the same deterrent effect can be achieved at a lower cost.

Manufacturers are also required to provide information regarding the different components and materials used in their equipment and the location of dangerous substances within the product within one year of the product coming on to the market. This provision is intended to facilitate the treatment and reuse of equipment and will be made available to all organisations involved in the treatment and refurbishment of WEEE. Manufacturers will not be required to disclose proprietary information or full dismantling instructions for all products, nor will they have to provide full lists for every component part. The government is responsible for ensuring that treatment sites and reprocessors have all the information required by them. However, the costs of producing these guides will fall to the manufacturer and it is likely that these will be passed on primarily to business customers.