

Consultation on reforming the producer responsibility system for waste electrical and electronic equipment AVA Response

Date: 28 December 2023



AVA

The Vending &
Automated Retail
Association

Consolidated list of questions

About you

1. What is your name?
David Llewellyn
2. What is your email address?
David.Llewellyn@the-ava.com
3. Which of the following best describes you?
 - **trade body or other business representative organisation**
 - electronic producer
 - Producer Compliance Scheme
 - distributor (including online marketplace) - waste management company
 - waste operator or re-processor
 - exporter
 - local government
 - community group
 - non-governmental organisation
 - charity or social enterprise
 - re-use or repair operator
 - consultancy
 - academic or research
 - individual (ie not representing an organisation)
 - other
 - If you answered 'Other', please provide details
4. Would you like your response to be confidential?
 - a. Yes
 - b. No**
5. If you answered 'Yes' to question 4, please briefly explain why you require your response to be confidential.

Increasing collections of waste electrical and electronic equipment from households

6. Do you agree or disagree that producers (and distributors that do not provide their own take-back services for electric and electronic goods) should finance collections of small WEEE (for example, toasters, small toys and tools), from households? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure**
7. Please provide evidence any evidence you have to support your answer to question

The AVA is the trade association for the vending and automatic retail industry. Our members make machines in different sizes for different markets. Smaller coffee machines

designed for the shop and small office market may be bought by consumers. In some cases, companies have separate websites and equipment for domestic sales. However, the domestic market is tiny for our members and primarily their machines go into business. Within the business market, machines tend to be maintained and serviced by the company that sells them and then taken back at the end of their life so that they can either be refurbished for another sale or stripped down for usable parts. The vending industry has an efficient collection and recycling system in place.

The AVA has concern about the categorisation of household WEEE. Within Vending, smaller tabletop coffee machines have a distinct Business to Business route to market. Manufacturers who make domestic equipment reach consumers via an entirely separate route to market – and would therefore be included within these proposals.

BUT – Designating coffee machines of a certain size or weight, without reference to their route to market could unintentionally place cost and collection responsibility on manufacturers and ‘retailers’, who already have an efficient collection and recycling process in place.

8. Recognising the need to balance frequency of service with efficiency, what frequency should a WEEE collection round be provided? Please select one of the following options:
 - a. Weekly
 - b. Fortnightly
 - c. Monthly
 - d. On demand
9. Please provide any evidence you have to support your answer to question 8.
10. Would there be benefit in providing for different arrangements to apply in different areas according to circumstances, for example, on demand in some areas and regular collection round in others? Please provide any evidence you have to support your answer.
11. What should items qualifying for this service be defined by:
 - a. Weight
 - b. Dimension
12. Please specify any products that, due to their properties, should be excluded from the small WEEE household collection service.

Please provide evidence to support your answer
13. For any products listed in response to question 12, what measures should be put in place to drive up levels of their separate collection to minimise disposal in residual waste?
14. Do you agree or disagree that producers (and distributors that do not provide their own take-back services) should finance collection of large WEEE? Please select one of the following options:
 - a. Agree
 - b. Disagree
 - c. Unsure
15. Please provide any evidence you have to support your answer to question 14.

16. Do you agree or disagree that a producer-led Scheme Administrator, approved by government, is best placed to determine the most practical and efficient delivery mechanism to manage producer obligations to finance small and large WEEE collections from households? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
17. Please provide any evidence you have to support your answer to question 16.
18. Do you agree or disagree that the most efficient and cost-effective delivery of the obligation to provide a regular household collection service for small WEEE and bulky waste collections for large WEEE is likely to be achieved through partnerships between a Scheme Administrator and Local Authorities and their waste management partners? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
19. Please provide any evidence you have to support your answer to question 18.
20. If you answered agree to question 16, what, if any, safeguards might be necessary to ensure costs incurred by producers in meeting the WEEE household collection obligation are reflective of the actual costs of delivery through their service partners?
21. Do you agree or disagree with the analysis of this proposal set out in the accompanying Impact Assessment? Please select one of the following options:
- Agree
 - Disagree.
 - Unsure
22. Please provide any evidence you have to support your answer to question 21.
23. Are there are other means of delivering a cost effective and efficient household collection service to that described in question 18, with alternative delivery partners to Local Authorities and if so, what might that look like?
24. Please provide any other comments and supporting evidence on the proposal for producers (and distributors that do not provide take-back services) to finance a system of kerbside collection of small WEEE and on-demand collections of large WEEE for households?
25. Producers who place less than 5 tonnes of equipment on the UK market each year are exempt from financial obligations under the WEEE Regulations. Does that 5-tonne threshold remain appropriate? Please select one of the following options:
- Yes
 - No
 - Unsure
26. If you answered no to question 25, what tonnage threshold is appropriate? Please provide evidence in support of an alternative threshold
27. Are there alternative, non-regulatory approaches that could be established to increase separate collection of WEEE from households for re-use and recycling? If so, please describe what this might look like.

Increasing distributor collections infrastructure

28. Do you agree or disagree that internet sellers and retailers should provide a free of charge “collection on delivery service”, requiring the free takeback of large domestic appliances such as washing machines, dishwashers, fridges, freezers and TVs? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
29. If you answered agree to question 28, should there be a reasonable time frame stipulated in which the unwanted item should be collected to allow for circumstances where it is not available for collection at time of delivery? Please select one of the following options:
- Yes
 - No
 - Unsure
30. If you answered yes to question 29, what should those timeframes be?
- 2 days
 - 5 days
 - 10 days
 - No there should not be a reasonable timeframe stipulated.
31. If you answered agree to question 28, should this service be extended to collection of smaller items when a large item is collected? If so, should this be subject to reasonable limits in terms of how many items can be returned at once? Please select one of the following options:
- Yes
 - No
 - Unsure
32. Should retailers selling new household appliances as part of a new kitchen also be obligated to take away the old appliances from the household free of charge? Please select one of the following options:
- Yes
 - No
 - Unsure
33. Please provide any evidence you have to support your answer to question 32.
34. Do you agree or disagree that we should extend the existing take-back requirements for large retailers from 1:1 to a 0:1 basis ie by removing the requirement to purchase an item for the take-back obligation to apply? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
35. If you answered ‘agree’ to question 34, do you agree or disagree that such an obligation should be subject to reasonable limits as to the quantities of WEEE returned per householder? Please select one of the following options:
- Agree
 - Disagree
 - Unsure
36. Do you agree or disagree that the definition of “large retailer” should be any business with an annual turnover of electrical and electronic equipment of over £100k? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

37. Please provide any evidence you have to support your answer to question 36.

38. If you answered 'disagree' to question 36, what should an alternative threshold be? Please provide evidence to support your answer.

39. Do you agree or disagree that the obligation be restricted to retailers only taking back items that are similar to those sold in their stores? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

40. Please provide any evidence you have to support your answer to question 39.

41. Do you agree or disagree that an alternative obligation to 0:1 takeback be available to internet sellers such as payment into a scheme, similar to the current distributor take-back scheme, be used to support increased levels of collections for re-use and recycling? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

42. Please provide any evidence you have to support your answer to question 41.

43. Do you agree or disagree that the current information requirements should be enhanced to ensure customers are provided with information about their recycling options 'at the point of sale'? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

44. Please provide any evidence you have to support your answer to question 43.

45. Do you agree or disagree that the point of producer responsibility should be moved to the retailer or internet seller's premises such as the retailer's store, bulking point, distribution point? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

46. Please provide any evidence you have to support your answer to question 45.

47. Are there any other obligations we should place on retailers and/or internet sellers to increase levels of collections?

48. Please provide any evidence you have to support your answer to question 47.

49. Do you agree or disagree that Online Marketplaces and/or fulfilment houses should have 'take-back' obligations where they facilitate the supply of the product to the householder? Please select one of the following options:

- a. Agree
- b. Disagree
- c. Unsure

50. Please provide any evidence you have to support your answer to question 49.

51. How long will industry need to adapt to the proposals set out above? Please select one of the following options:
- a. Up to 12 months
 - b. 12 to 18 months
 - c. 18 to 24 months
 - d. 24 to 48 months

52. Please provide any evidence you have to support your answer to question 51.

New producer obligations for Online Marketplaces and Fulfilment Houses

53. Do you agree or disagree that Online Marketplaces should be required to fulfil the producer obligations on behalf of their overseas sellers? Please select one of the following options:
- a. Agree
 - b. Disagree
 - c. Unsure

54. Please provide any evidence you have to support your answer to question 53.

55. Do you agree or disagree that fulfilment houses should be required to meet the producer obligations on behalf of their overseas sellers? Please select one of the following options:
- a. Agree
 - b. Disagree
 - c. Unsure

56. Please provide any evidence you have to support your answer to question 55.

57. Do you agree that Online Marketplaces/fulfilment houses should initially be able to use estimated weight data using a protocol agreed with the environmental regulators? Please select one of the following options:
- a. Agree
 - b. Disagree
 - c. Unsure

58. If you answered agree to question 57, please provide evidence to explain why exact data cannot be provided.

59. What additional costs will accrue to online marketplaces and fulfilment houses as a result of becoming defined as a producer?

60. Please provide any evidence you have to support your answer to question 59.

61. What other ways, if any, should government explore to tackle the issue of non-compliance with the WEEE Regulations by online sellers?

62. Please provide any evidence you have to support your answer to question 61.

Dealing with the environmental impacts of vaping products

63. Do you agree with the proposal to create a new category for vapes? Please select one of the following options:

- a. Yes
- b. No
- c. Unsure

64. What additional costs will accrue to producers, compliance schemes and regulators as a result of creating a new category for vapes? Please provide evidence to support your answer.

65. Are there any other measures, beyond those for eco-modulation and littering set out in the call for evidence, you think government should take to curb the environmental impact of vapes?

Please provide evidence to support your answer. .

System governance, the creation of a WEEE Scheme Administrator and performance indicators

66. Do you agree or disagree with the principle of establishing Government approved, producer-led Scheme Administrator to carry out specified functions in the reformed WEEE system? Please select one of the following options:

- a. Yes
- b. No
- c. Unsure

67. Please provide any evidence you have to support your answer to question 66.

68. If you answered no to question 66, please set out details of an alternative approach to the proposed functions of a Scheme Administrator.

69. Which of the following functions do you think the Scheme Administrator should carry out?

- i. managing the Producer Balancing system for household WEEE (and non-household if necessary)
- ii. administration of a Distributor Takeback Scheme (for use by those distributors who are not required under the new system to offer in store take-back)
- iii. development and administration of a compliance fee methodology in consultation with all PCSs, for approval by Government
- iv. providing evidence and forecasts of the likely household WEEE arisings – presenting recommendations to Government s to inform setting annual financial obligations placed on PCSs for household WEEE collections
- v. eco-modulation – support Government on potential new measures which could be applied to specific product categories, including development of a methodology upon which to base the modulation
- vi. assess and report on environmental performance of the future system against key performance indicators with recommendations to Government on measures to improve that performance

70. Are there any additional functions that should be added?

71. Please provide any other comments on the role of a Scheme Administrator.

72. Which of the alternative performance indicators listed in the section above do you agree or disagree should be included in the future system?

- a. Quantity or weight of WEEE in residual waste.
- b. Convenience of recycling.
- c. Volume of WEEE in fly-tipped waste in each of the nations.
- d. Level of consumer awareness of value and opportunities for reusing or recycling WEEE.
- e. Regular assessment of the carbon impact the UK WEEE system.
- f. Assessment of circular economy performance of the system.
- g. Improvements in the quality of WEEE treatment processes.
- h. Amount of WEEE diverted for reuse.

73. Are there any other measures of success which government should consider to assess the performance of the system?

74. Should information be collected to a level to support regional or local? Please select one of the following options:

- a. Yes
- b. No
- c. Unsure

Glossary

ATF

Authorised Treatment Facility

- Any waste site that has a permit or a permit exemption

AATF

Approved Authorised Treatment Facility

- An ATF with an additional approval that allows them to issue evidence of the re-use, recycling and recovery of WEEE.
- Must be permitted to accept and treat WEEE.
In Northern Ireland, this exemption is enshrined in Paragraph 49, Schedule 2, Part I of The Waste Management Licensing Regulation (Northern Ireland) 2003 (as amended)

Bring bank

Containers positioned in the community where local residents can deposit certain types of recyclable materials.

DCF

Designated Collection Facility

•A site which is approved to collect WEEE under the WEEE Regulations. •Must comply with DCF Code of Practice

DAERA

The Department of Agriculture, Environment and Rural Affairs

- DAERA has responsibility for food, farming, environmental, fisheries, forestry and sustainability policy and the development of the rural sector in Northern Ireland
- The Department assists the sustainable development of the agri-food, environmental, fishing and forestry sectors of the Northern Ireland economy

Defra

Department for Environment, Food and Rural Affairs

- The government department responsible for safeguarding our natural environment, supporting our world-leading food and farming industry, and sustaining a thriving rural economy.
- Manages the Appointment of the Producer Balancing System
- Manages the appointment of the operator of the Compliance Fee Publishes the DCF Code of Practice

Distributor

“Distributor” means any person in the supply chain who makes an item of EEE available on the market.

DTS

Distributor take-back Scheme

- An industry-led system that allows for distributors (including retailers) to fund a network of collection facilities (DCFs)
- All Local Authorities are registered as DCFs
- All distributors not registered on the DTS must offer in store take-back of household WEEE

EEE

Electrical and Electronic Equipment

- All electrical and electronic items are considered to be in scope of the Waste Electronic and Electrical Equipment Regulations (2013) unless they meet one of the exemptions as set out in regulation 7 of those Regulations

EPR

Extended Producer Responsibility

- This is a policy approach under which producers are given a significant responsibility – financial and/or physical – for the treatment or disposal of the products they place on the market when they become waste

Fulfilment house

A business which stores any goods that meet all the following conditions:

- Are owned by, or stored on behalf of, someone (third party) established inside or outside the UK.
- Offers services which are more than just storing a fully prepared product. These additional services could include but not be limited to managing orders from customers, picking and packing an order, inventory control, labelling products, arranging the transport and delivery of the product to a customer, and managing returns.
- Whether the goods are manufactured in the UK or were imported.
- Whether the goods are being offered for sale in the UK and have not been sold in the UK before.

HWRC

Household Waste and Recycling Centre

- These are provided by the Local Authority as a place where residents can safely dispose their household waste and recycling usually free of charge.
- Most Local Authorities will register their HWRC as a Designated Collection Facility in order to be able to accept WEEE

Online marketplace

A business using a website or mobile phone app (such as a marketplace, platform or portal) to handle the sale of goods to customers which meets all of the following conditions:

- in any way sets the terms and conditions on how goods are supplied to the customer; • is involved in any way in authorising or facilitating customers' payments; and
- is involved in any way in the ordering or delivering the goods, including but not limited to the arrangement or actual participation of either.

PBS

Producer Balancing System

- This has been introduced to ensure that the cost of collecting WEEE at the request of Local Authorities is shared amongst all Compliance Schemes.

- A “regulation 34 request” is a request that a Producer Compliance Scheme has to collect WEEE from a local authority site within 5 working days covering all the associated collection and treatment costs).

PCS

Producer compliance scheme

- 'A producer compliance scheme (PCS) is a membership organisation. The members are producers of electrical and electronic equipment (EEE).
- A PCS is responsible for registering all its members every year and must: •
 - ensure it meets its financial obligations under the WEEE regulations

fulfil its data reporting obligations

WEEE

Waste Electrical and Electronic Equipment

- Waste electrical and electronic equipment (WEEE) is any electrical or electronic waste, whether whole or broken, that is destined for disposal.

WEEE Regulations

The Waste Electrical and Electronic Equipment Regulations 2013