

Dear Julie,

Post-implementation review (PIR)

The purpose of this letter is to provide additional background information and perspective to inform the assessment of the WEEE regulations from the perspective of non-household EEE producers. B2B Compliance is a unique, not-for-profit WEEE producer compliance scheme borne out of a need to protect B2B producers' interests in a B2C focused regulatory landscape. We act on our members' behalf to ensure that their interests are accurately represented. We are the largest B2B focused producer compliance scheme, with a membership of 349 EEE producers.

**Continuation of B2B vs B2C categorisation**

We would like to directly address Point 83 of the "UK Waste Electrical and Electronic Equipment Regulations 2013: Summary of consultation responses and the UK government's response to proposed amendments" published by Defra in May 2018. The call by some producer compliance schemes for "the removal of the difference between B2C and B2B WEEE... [to] give all EEE a target and obligation to address issues arising from inappropriate applications of producer responsibility principle particularly for dual use EEE" is misguided. Currently, the system setup to ensure the safe disposal and recycling of B2B waste by far outperforms either system (2007-2013 and 2014-to date) for B2C collections. The current legislation has made clear the take-back obligations of B2B EEE producers as it matches the sales route to market and should be recognised as a considerable achievement of the regulations in your PIR.

We appreciate that the future inclusion of fixed installation products will lead to an increase in reported B2C data UK wide from 2019. However, we do not think the issue of how this material will be collected should figure in the PIR, as the effects are as yet unknown. Bringing in wholesale change for our members to resolve this relatively minor issue would be unwise. Producer compliance schemes should be able address such reporting issues directly with their members through effective government guidance.

We are concerned to hear of "inappropriate applications" of dual-use EEE by some producer compliance schemes' members. We suggest that this potential non-compliance issue is addressed by the relevant enforcements agencies. The legislation is already clear, so it should not fall upon Defra to make legislative amendments. We suggest that the benefits of differentiation between B2B and B2C by far outweigh this small issue.

Furthermore, the changes to fees made by the Environment Agency for 2019 mean that the industry will expect stringent auditing of these issues. There may be the opportunity to learn from Germany, where B2B producers are asked for proof that

products are genuinely B2B, should the problem persist. As it stands, however, we do not advocate this burdensome approach.

## **Fly-tipping of B2B WEEE**

We agree with the concern expressed by local authorities about the fly-tipping of WEEE (Point 80 of Defra's Summary of consultation responses). The lack of guidance for businesses, especially SMEs, on how to deal with B2B WEEE does indeed lack detail, which could be resolved as there should always be an obligated distributor to cover costs. We would welcome "comprehensive but user-friendly guidance" for businesses and would like to explore the potential for creating a network of B2B WEEE take-back points.

## **PBS membership**

As a member of the current PCS Balancing Scheme (PBS), we believe that any PCS with a B2C obligation should have a mandatory requirement to join such a mechanism in line with other PCSs. However, we think it should be noted in the PIR that the current costs of evidence generated through the PBS is far inflated when compared with average market rates. While the system appears to be equitable, it is working counter to the low-cost compliance objectives of changing the regulations from the 100% market share approach to target-based.

Your sincerely,



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Policy Manager