

Mr Gary Gray  
Waste Regulation Unit  
Scottish Executive Environmental & Rural Affairs Office  
Mail Point 12  
Victoria Quay  
Edinburgh  
EH6 6QQ

12<sup>th</sup> September 2005

Dear Mr Gray,

**Council Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE),  
Consultation paper on the implementation of Article 6 – Treatment and permitting  
requirements**

Please find attached the Recycling Advisory Group Scotland's (RAGS's) response to the above consultation document. RAGS is an independent membership organisation formed to represent the view of our members in order to provide an effective means for local authorities, community organisations and industry to be collectively represented to the Scottish Executive and to promote the recycling industry in general.

RAGS views that the accreditation and permitting of accredited treatment facilities is a vital part of making sure that the WEEE Regulations are both effective in its aims and at being cost effective. This consultation has been discussed with the RAGS membership and their collective response to your questions is attached. In addition to our response to your questions, we offer the following comments on the proposed treatment and permitting requirements:

- RAGS is concerned that significant quantities of EEE arriving at Collection Points (CP) might not reach the Authorised Treatment Facilities (ATFs) due to diversion by exempt "reuse" companies. As currently written, the requirements exempt whole appliances for "reuse", which would be impossible to regulate. The concern is that a high percentage of these appliances are not "reused" but exported out of the country for reprocessing.
- RAGS is very concerned that a number of potentially damaging loop-holes will be created by the lack of definitions of "reuse", "separate collection" and "partial reuse" within both the Directive and its UK interpretation. We strongly believe that these should be more clearly defined if the current proposed permitting requirements are to be considered robust.
- RAGS would like to see more detailed guidance from SEPA on what constitutes BATRRRT.
- RAGS believes that the implementation of the WEEE Directive Article 6 as it stands is very poorly considered and would encourage the continuing export

of material out of the country, ultimately causing a loss of WEEE recycling capacity in Scotland.

- RAGS is concerned that SEPA does not appear to have sufficient resources to adequately police the existing Waste Management License (WML) regulations and therefore it is unlikely to be able to adequately regulate the WEEE proposals. RAGS suggests that extra funding and resources is provided to SEPA for this crucial role in ensuring that these regulations start to work effectively.

Lastly RAGS members view that it would be desirable in the future for a compliance scheme to be developed in Scotland, with representation from the Local Authorities, recycling companies and not for profit/community groups. Although we accept this is not within the remit of this consultation, we feel that care should be taken in drafting the legislation so as not to preclude the future establishment of such a scheme.

Yours sincerely

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## **Response from RAGS to the questions asked by the Scottish Executive;**

### **Q1 - What do you think should be done to encourage treatment facilities to introduce environmental management systems?**

- If the accreditation process is brought within the WML regime, facilities must have in-depth working plan which is effectively an Environmental Management System (EMS). No need to include an additional requirement.

### **Q2 - Have the quantities and precautionary measures in Table 1 for the storage of non-hazardous WEEE been set at the appropriate level? If not, why not?**

### **Q3 - Have the quantities and precautionary measures in Table 2 for the storage of hazardous WEEE been set at the appropriate level? If not, why not?**

- The group agreed that there is a need for exemption from WML for small collectors i.e. stores taking back WEEE. It was also agreed that the levels are set at a suitable level.
- However, it is believed that there is scope for abuse, the definition at this section needs to be much more clearly defined.

### **Q4 - Have the storage and treatment limits in Table 3 for an exemption for the repair and refurbishment of non-hazardous WEEE been set at the appropriate level? If not, why not?**

### **Q5 - Have the storage and treatment limits in Table 4 for an exemption for the repair and refurbishment of hazardous WEEE been set at the appropriate level? If not, why not?**

- All areas that treat WEEE (as opposed to store) must be accredited under Article 6 to contribute to the UK's target. Accreditation should require a WML.
- Limits should be looked on a site by site bases and the sites controlled under the WML.
- Felt that a daily tonnage restriction on WEEE is not measurable and therefore not enforceable.
- If the exemption is intended for the repair of WEEE (so it can be reused), this definition has to be more clearly defined to prevent creation of loophole.

### **Q6 - Comments are invited as to whether the assumptions in paragraph 3.18 are correct.**

- The assumption is correct as long as they don't collect or take in whole EEE for re-use. If they do they should not be subject to an exemption.

### **Q7 - Should a new exemption for treatment for fluorescent tubes be created, and**

### **Q8 - Is there a need to make provision for mobile plant licences for the crushing of fluorescent tubes?**

- No exemptions for any WEEE treatment – creates scope for abuse. Bring within WML regime (see Q4 & Q5)

**Q9 - Are there any other recovery related activities for WEEE which are currently the subject of a WMLR license but which would benefit from exemption? Please say what they are and explain why they should be exempt.**

- None that have been recognised.

**Q10 - Consultees' comments are sought on the draft Regulations at Annex A**

- No comments to be made at this time.

**Q11 - Consultees' comments are sought on the discussion of BATRRRT at Annex B**

- There are concerns on how this will be enforced.
- There should be guidance on BATRRRT.
- Suggest that enforcement officers would benefit from a certification / training scheme (at least equivalent to a COTA) to enable effective enforcement BATRRRT. The WML fee should cover the cost of effective policing.

**Q12 - Consultees' comments are sought on the partial RIA at Annex C**

- RIA not relevant to the cost of permitting.