

## **EXECUTIVE NOTE**

### **THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WASTE MANAGEMENT LICENSING) (SCOTLAND) REGULATIONS 2007 SSI/2007/172**

1. The above Instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The Instrument is subject to negative resolution procedure.

#### **POLICY OBJECTIVES**

2. Directive 2002/96/EC on waste electrical and electronic equipment (“WEEE”) (“the Directive”) includes, in Article 6 and Annexes II and III, provisions aimed at improving the performance of operators involved in the treatment of such wastes, with the aim of protecting the environment. In particular, the Directive requires the storage and treatment of WEEE to meet certain minimum standards laid down in the Directive. It also requires sites to be inspected where the treatment of WEEE is carried out under an exemption from general waste management licensing requirements.

3. This instrument implements those requirements in Scotland.

4. The Directive’s other provisions have been transposed by the Waste Electrical and Electronic Equipment Regulations 2006. These were extended to Scotland in exercise of s.57 of the Scotland Act following consultation between the Minister for Environment and Rural Affairs and the UK Government’s Minister for Energy and as intimated to Environment and Rural Development Committee on 22 February 2005.

#### **CONSULTATION**

5. The provisions of the Regulations were the subject of consultation with producers and waste management companies and their trade associations in July 2005.

6. As is required by the Directive, the European Commission has also been notified of the proposed changes.

#### **EFFECT OF THE REGULATIONS**

7. These Regulations amend the Waste Management Licensing Regulations 1994 to the following effect:-

- they define the terms ‘recovery’, ‘recycling’ and ‘reuse’ in relation to WEEE to give them the same meaning as in the Directive;
- they place a duty on SEPA to ensure that any waste management license granted for the storage or treatment of WEEE after 1 July 2007 contains such conditions as SEPA considers necessary to give effect to the provisions of Article 6(1), (3) and (4) and Annexes II and III of the Directive; and

- they place a duty on SEPA to inspect waste management facilities which treats WEEE on the basis of a waste management licensing exemption;
- they modify all existing waste management licences authorising the storage or treatment of WEEE by including a condition requiring the requirements of Article 6(1), (3) and (4) and Annexes II and III of the Directive to be met.

### **Financial effects**

8. There are no direct financial implications for the Executive. At Government level generally, however, non-transposition of the Directive would almost certainly mean infraction proceedings by the European Commission against the UK. Any subsequent fines could impact on the Scottish Block unless Scotland is clearly not implicated.

9. SEPA's costs will be covered by an existing scheme of fees and charges for waste management licenses and exemptions.

10. Producers will incur additional compliance costs in having to ensure the recycling or recovery of higher volumes of WEEE and of treating that WEEE to higher standards than currently. Conversely, the waste management industry will benefit from the increased levels of activity that that entails. This is addressed in the Regulatory Impact Assessment.

# **DIRECTIVE 2002/96/EC ON WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT**

## **PARTIAL REGULATORY IMPACT ASSESSMENT OF DRAFT REGULATIONS IMPLEMENTING ARTICLE 6**

### **1. PURPOSE AND INTENDED EFFECT OF THE MEASURE**

1.1 Directive 2002/96/EC on Waste Electrical and Electronic Equipment (the WEEE Directive) sets out provisions for waste from electrical and electronic equipment to encourage the reuse, recycling and recovery of the discarded product, and to require a high level of protection of the environment and human health in treatment processes and the disposal of residuals. The Directive also seeks to improve the environmental performance of those involved in the life cycle of electrical and electronic equipment, through better design to aid reuse and recovery.

1.2 This partial RIA focuses on the permitting requirements of the WEEE Directive, prescribed by Article 6. The presence of hazardous substances and compounds in electrical and electronic equipment is a major cause of concern during the waste management and recovery phases of its life cycle. The Directive requires that any establishment or undertaking treating WEEE must either obtain a permit from a competent authority or be registered as exempt from the need to do so. It is proposed to allow repair and refurbishment of WEEE to be carried out under an exemption so as to reduce the regulatory burden and encourage the recovery and re-use of the discarded product.

1.3 The costs of the higher treatment standards required by the WEEE Directive standards have been assessed in the RIA issued in December 2006 with the UK Regulations that implement the Producer Responsibility. Scottish Ministers agreed that this Regulations should extend to Scotland, under the provisions of Section 57 of the Scotland Act. The RIA assessed the total annual costs as lying in the range £101-141m in 2008 rising to £166-261m in 2017 for the UK as a whole. National Statistics data demonstrates that Scottish GDP is around 8.5% of UK GDP. On that basis the range of annual costs for the WEEE arising in Scotland would be around £9-£12m in 2008 rising to £14-22m in 2017. The summary of the break down of these costs, as calculated for the UK, between sectors is attached as an appendix to this RIA.

1.5 It would be double counting to include in this RIA the physical treatment costs already set out in RIA accompanying the UK Regulations. This RIA is limited, therefore, to consideration of the options with respect to implementing the treatment requirements of the WEEE Directive. These costs will be marginal to the physical treatment costs imposed by the Directive, and can be expected to be passed in the main to the producers responsible for providing for treatment.

### **2 BACKGROUND**

2.1 The Directive requires that WEEE has been treated in accordance with the Directive and that the specified recovery rates have been achieved. Article 6 requires

Member States to ensure that any establishment or undertaking carrying out treatment operations obtains a permit from the competent authority. In Scotland, this is a waste management licence from SEPA under the Waste Management Licensing Regulations 1994 (WMLR).

2.2 A number of sites that deal with WEEE will already have waste management licenses. This partial RIA will examine the costs and benefits of amending the 1994 Regulations to accommodate the requirements of Article 6 .

### **3. RISK ASSESSMENT**

3.1 The more prominent disbenefits arising from WEEE are:-

the risks to human health and wellbeing and potential for pollution of the environment from unlicensed or uncontrolled recovery and disposal activities;

treatment operations that themselves have the potential to cause environmental damage;

disposal routes that rely primarily on disposal to landfill, meaning consequential loss of natural resources which otherwise may be recoverable.

These risks are addressed by the waste management licensing system; the new prescribed treatment requirements and the increase in recovery rates required to be achieved.

3.3 About 20 sites in Scotland are licensed to treat WEEE as a primary waste. There will be further sites such as metal recyclers who treat waste which was originally WEEE but is no longer recognisable as such, and who will not be affected by these Regulations. The effect of the WEEE Directive will be that all sites currently treating WEEE will have to operate to specific minimum technical standards which may be stricter than those required under existing legislation. In addition, the Directive requires the removal of specific components. Implementing these measures enhances the existing protections against pollution of groundwater, contamination of land and dispersion of pollutants to the air.

### **4. OPTIONS**

4.1 As discussed in section 1, this RIA is considering the costs of different options arranging for the licensing of WEEE, on the assumption that we have imposed the costs of the obligation to treat to Directive standards on producers (and, in some circumstances, the final holders of commercial WEEE). These costs shall be imposed by the provisions of the UK Regulations implementing producer responsibility.

4.2 The consideration in this RIA is further constrained as we have already introduced exemptions specifically designed for the safe storage of WEEE, and an exemption for the repair and refurbishment of WEEE. At the same time, we disappplied all other exemptions, other than those involving temporary storage of WEEE at the place of creation of the waste. These changes and exemptions were included in the Waste (Scotland) Regulations 2006.

4.2 There are therefore only very limited options to consider in this RIA. The options we shall consider are:-

Option A: Do Nothing: make no effort to implement Article 6 in permits, relying on producers to ensure that adequate treatment standards are met.

Option B: Introduce provisions in WMLR, and require all sites with pre-existing licences storing or treating WEEE to apply for modifications to their licences.

Option C: Introduce provisions in WMLR, and apply the modification to the licence through a direct introduction of conditions through the regulations.

## 5. ASSESSMENT OF OPTIONS

### ECONOMIC IMPLICATIONS

#### **Option A: Do nothing: make no changes in the WMLR Regulations.**

5.1 This option would be inconsistent with the structure put in place by the UK Regulations, to which Scottish Ministers have already agreed. Without changes to those regulations, it would mean that that producers would have to secure their compliance through having all separately collected WEEE that arose in Scotland treated at appropriately licensed sites in England and Wales, with economic losses to Scottish businesses.

#### **Option B: Introduce provisions in WMLR, and require all sites with pre-existing licences storing or treating WEEE to apply for modifications to their licences.**

5.2 Under this option, any operator who wished to continue to treat WEEE would be required to seek a variation to their existing WMLR licence to incorporate relevant conditions from Article 6 and Annex II, informed by the joint SEPA/EA guidance. There are preparation costs and application fees involved in seeking such a variation, and the possibility of increased subsistence costs. The average cost for an application for a waste management licence for recycling activities is around £2000 plus an estimated £5000 in preparation costs. The annual subsistence charge at present depends on the size of the facility, and is in the range £3500- £7300. The cost of modifying a licence is £885. SEPA's charges are currently under review, so these levels of charge may change. However, these costs only have to be incurred by those operators who wish to continue to treat WEEE, and do not appear to be disproportionate in terms of the business opportunities. By imposing licence conditions to match the standards in the Directive, we should ensure that waste companies would be conducting their business to common standards and will be on a level playing field so far as operational costs and overheads are concerned.

5.3 As appropriate licensing provisions have to be in place by July 2007, any practical implementation of this option would have to include an interim period

during which the provisions of Article 6 were placed into licenses by direct insertion of a new condition.

**Option C: Introduce provisions in WMLR, and apply the modification to the licence through a direct insertion of conditions through the regulations.**

5.4 This option places the provisions of Article 6 into all waste management licences that currently cover operations involving WEEE by direct insertion of a new condition. Operators who wish to continue operations with WEEE shall have to abide by appropriate elements of the conditions in Article 6 and Annex II, informed by the SEPA/EA guidance. This will be monitored by SEPA as part of their regular monitoring efforts, paid for under the existing subsistence charges.

5.5 We believe that waste operators and SEPA officers are capable of paying due regard to the conditions in Article 6 and Annex II of the Directive that are relevant to the operations to be carried out on the particular site. SEPA shall inform all such operators of these new conditions. No operator is likely to cover all the operations on a single site, but there is no harm created in setting conditions for operations that are not carried out. It therefore seems possible to achieve the licensing requirements of the Directive, and the environmental benefits, without requiring the administrative costs of bespoke licence by licence variations.

**SOCIAL IMPLICATIONS**

5.6 An exemption designed for use by the community recycling sector has already been put in place by the Waste (Scotland) Regulation 2006. There are no significant social implications of the options set out in this RIA.

**ENVIRONMENTAL IMPLICATIONS**

**Option A: Do nothing: make no changes in the WMLR Regulations.**

5.7 This option would be inconsistent with the structure put in place by the UK Regulations, to which Scottish Ministers have already agreed. Without changes to those regulations, it would mean that that producers would have to secure their compliance through having all separately collected WEEE that arose in Scotland treated at appropriately licensed sites in England and Wales. This would mean that WEEE was travelling further than necessary.

**Option B: Introduce provisions in WMLR, and require all sites with pre-existing licences storing or treating WEEE to apply for modifications to their licences.**

5.8 This option ensures that the conditions of Article 6 of the Directive were followed in Scotland, furthering the protection of the environment and human health and reducing the risks set out in Section 3 above.

**Option C: Introduce provisions in WMLR, and apply the modification to the licence through a direct insertion of conditions through the regulations.**

5.9 This option ensures that the conditions of Article 6 of the Directive were followed in Scotland, furthering the protection of the environment and human health and reducing the risks set out in Section 3 above.

## **6. EQUITY AND FAIRNESS**

6.1 The environmental benefits of implementing the treatment aspects of the Directive are expected to fall broadly equally across different economic and social classes and across different economic and demographic regions. They may benefit those living in areas closer to landfills and incinerators slightly more.

## **7. CONSULTATION WITH SMALL BUSINESSES**

7.1 Trade bodies representing both large and small firms have been involved in discussions at UK level. These include the Environmental Services Association, the British Metals Recycling Association and the Motor Vehicle Dismantlers Association. Discussions with the Industry Council for Electronic Equipment Recycling have also taken place. The Executive has discussed implementation options directly with Electronics Scotland, the Scottish Retail Consortium, the Community Recycling Network Scotland and several small companies representative of the reprocessing sector.

## **8. COMPETITION ASSESSMENT**

8.1 The RIA for the Producer Responsibility regulations included a Competition Filter, which consists of 9 *yes/no* questions related to the markets potentially affected by a proposed regulation. Five of these relate to the competitive process that exists, or may exist, in the market(s) affected, two relate to supply and demand factors in the market(s), and two relate to market outcomes. Below, this consideration is copied from that RIA.

“125. Applying the competition filter to the SI for the WEEE Directive gives the following results:

- Questions 1 to 3 of the competition filter relate to market shares in the markets potentially affected by regulation. In terms of market structure, market share is an indicator of the existing level of competition in a market and of the risk that regulation could lead to detrimental effects on competition. Two *KeyNote* Reports provide some information on major businesses operating in the white goods and brown goods in the UK. Whilst there are some very large businesses operating in these markets, there appears to be a significant number of players, which has increased in recent times via, for example, larger retailers increasingly selling their own brand of equipment.
- Questions 4 to 6 of the competition filter relate to the potential disproportionate impacts on costs for different firms in the markets affected by the proposed regulation. Detrimental impacts on competition could occur if the regulation results in disproportionate impacts on some businesses, or presents a barrier to entry for

businesses, and so results in markets that are more concentrated and potentially less competitive. In terms of the SI the costs of financing the treatment, recycling and recovery of WEEE in the UK are in proportion to market presence. In essence this means that those who are benefiting most from the market in terms of sales will be financing a greater proportion of the costs under the SI. It is thus unlikely that the SI itself will lead to a change in market structure.

- Question 7 asks if the regulation will lead to higher operating costs for new or potential firms compared to existing firms. The answer to this is ‘no’ given that all firms are to finance the costs of the SI in relation to their market presence.
- Question 8 asks if the market is characterised by rapid technological change. The EEE market is characterised by rapid technological change, but one of the aims of the WEEE Directive is to encourage ‘design for recycling’ to reduce the negative externalities that can result from WEEE.
- Question 9 asks if the regulation would restrict the ability of firms to choose the price, quality, range or location of their products. The SI is unlikely to restrict the ability of firms in this context.

126. In summary, the competition filter suggests that the SI is unlikely to have a significant detrimental impact on competition in the markets affected by the regulation. Though the SI is significant, the markets it impacts on are diverse and dynamic and large in relation to the potential costs of the SI.”

## **9. ENFORCEMENT AND SANCTIONS**

9.1 The Regulations will be monitored and enforced by SEPA. The offences are those under the existing Waste Management Licensing Regulations and will be enforced in the same way.

## **10 MONITORING AND REVIEW**

10.1 The Scottish Executive is carrying out a Better Regulation consultation exercise to consider possible improvements to the Waste Management Licensing System in Scotland. This review will be able to .

## **11. CONSULTATION**

### Within Government

11.1 Consultation has taken place with the Department of Trade and Industry, the Department of Environment and Rural Affairs, The Welsh Assembly and the Department of Environment Northern Ireland. In addition, SEPA has been consulted throughout the development of these regulations.

### Public Consultation

11.2 The WEEE implementation as a whole has been subject to repeated joint consultation exercises across the UK. Summaries of the responses to them are available from DTI’s website at [www.dti.gov.uk/sustainability/weee/index.htm](http://www.dti.gov.uk/sustainability/weee/index.htm).

11.3 In line with the Executive's Code on Consultation, a wide-ranging 12-week public consultation exercise was carried out on the draft permitting regulations and a draft of this RIA, in autumn 2005.

## **12. SUMMARY AND RECOMMENDATION**

### **12.1 Recommendation**

It is recommended that the provisions of Article 6 of the Waste Electronic and Electrical Equipment Directive are directly incorporated through regulations into all existing waste management licences that include the handling or treatment of WEEE.

### **Signing**

## ANNEX

### **EXTRACT FROM FINAL REGULATORY IMPACT ASSESSMENT (RIA) FOR THE DEPARTMENT OF TRADE AND INDUSTRY'S STATUTORY INSTRUMENT – THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT REGULATIONS 2006 - TRANSPOSING DIRECTIVES 2002/96/EC AND 2003/108/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, ON WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT, IN THE UK**

#### **ANNEX A: DISTRIBUTIONAL IMPACTS OF WEEE DIRECTIVE**

A1. As outlined in Tables 1 and 2 of the main text, some costs and benefits from the WEEE Directive will be transfers between stakeholders, rather than additional costs or benefits to the UK as a whole. This annex provides stylised estimates of the total costs and benefits from implementation of the WEEE Directive in the UK with respect to the following stakeholders: Producers of EEE; Local Authorities (LAs); Retailers of EEE; users of non-household EEE; Central Government; and on the external environment.

A2. Where a current activity is overtaken by 'producer responsibility' for WEEE, costs and benefits will be transferred between stakeholders in the UK. Principally, for household WEEE, these will be transfers from Local Authorities and retailers of EEE to producers of EEE. For non-household WEEE the costs and benefits will be transfers largely from users of non-household EEE to producers of non-household EEE.

A3. Where a new, or increased level, of activity follows from implementing the WEEE Directive, additional costs and/or benefits arising will largely fall on producers of EEE. There will also be some additional costs to retailers of EEE. The net costs in Table A1 are equivalent to the net costs from the SI as outlined in Table 13 of the main text.

#### **Producers of EEE**

A4. The value of metals in WEEE that is currently obtained by LAs, retailers of EEE, and users of non-household EEE will be transferred to producers of EEE under 'producer responsibility' for WEEE. Producers will also receive the additional benefits of any metals following the increased separate collection of WEEE as a result of the WEEE Regulations.

A5. The treatment costs of ODS and CRT containing equipment, and fluorescent tubes, will be transferred from LAs, retailers of EEE, and users of non-household EEE to producers of EEE. Producers will also be transferred any disposal costs following the recycling and recovery of WEEE.

A6. New activity resulting from the Regulations will include the cost of additional collection, treatment and recycling of WEEE, which will be borne by producers of EEE. They will also incur additional costs relating to the marking of EEE, information and registration.

## **Local Authorities**

A7. Local Authorities will lose the value of metals from WEEE, which will be transferred to producers of EEE. However, LAs will benefit from no longer being liable for ODS and CRT equipment, nor fluorescent tube treatment costs, and they will benefit from reduced disposal costs for WEEE generally.

## **Users of non-household WEEE**

A8. These stakeholders will lose the value of metals in WEEE. However, like LAs, they will benefit from the removal of treatment and disposal costs in relation to ODS and CRT equipment, and fluorescent tubes, and from avoiding the disposal costs for WEEE generally.

## **Retailers of EEE**

A9. Currently, retailers benefit from the value of metals they receive when undertaking collection on delivery of WEEE. This benefit will be lost. Retailers will also be obliged to provide the infrastructure to enable consumers to separately collect their WEEE from other forms of waste. However, retailers will benefit from no longer being financially responsible for the treatment and disposal of WEEE they collect on delivery.

## **Environment**

A10. All the external environmental impacts following WEEE implementation are additional benefits to the UK. There may be some additional transport emissions from the increased separate collection of household WEEE, but these will be outweighed by benefits in terms of reduced CO2 emissions from the re-use and recovery of WEEE, reductions in other negative externalities, and positive contributions to resource productivity and sustainable development.

## **Government**

A11. The Exchequer will lose landfill tax revenue from reduced volumes of waste going into landfill.

A12. Table A1 below provides indicative estimates of the stylised outcome following WEEE implementation in the UK.

A13. Some respondents to the partial RIA questioned the costs and benefits accruing to Local Authorities. Some said that Civic Amenity (CA) sites would require either (or all) more space, more staff, extra security, and changes to licenses to deal with household WEEE at these sites. But household WEEE is already dealt with at CA sites, by means of segregation – in the form of refrigerators, CRT monitors, and fluorescent tubes, by accumulation for sale in scrap metal skips/piles, and by collection (following delivery by residents) for disposal in mixed waste. The WEEE Regulations do not change the nature of this waste, rather they just require the establishment of facilities to promote the collection of this waste from other forms of waste. CA sites are legally bound to accept household waste, including WEEE, whether it is delivered to them in a mixed form or via segregation. CA sites also increasingly provide particular areas on site for the separate collection of different wastes, which means they need less space, than otherwise, for the collection of mixed waste.

A14. To become a Designated Collection Facility (DCF) a CA site needs to collect WEEE in accordance with Annex III of the WEEE Directive. That is it needs to have hard standing and weather-proofing where appropriate. It is understood that the majority of CA sites already have hard-standing and weather proofing where appropriate to deal with the full range of both hazardous and non-hazardous waste they receive. The proposed Distributor Takeback Scheme (DTS) in the UK is to provide finance for the up-grade of CA sites to become DCFs. In addition, producer compliance schemes will provide the containers, banks etc in which WEEE can be separately collected at CA sites.

Table A1: Distribution of costs and benefits between stakeholders (£ million pa)<sup>1</sup>

|                                   | 2007         | 2008           | 2009           | 2013           | 2017           |
|-----------------------------------|--------------|----------------|----------------|----------------|----------------|
| <b>Producers of EEE</b>           |              |                |                |                |                |
| Costs                             | 112-144      | 276-345        | 287-358        | 348-473        | 409-551        |
| Benefits                          | 41-42        | 89-91          | 92-94          | 110-115        | 129-134        |
| Net cost                          | 71-102       | 187-255        | 195-264        | 238-358        | 214-417        |
|                                   |              |                |                |                |                |
| <b>Retailers of EEE</b>           |              |                |                |                |                |
| Costs                             | 13           | 7              | 7              | 8              | 9              |
| Benefits                          | 2            | 4              | 3              | 3              | 4              |
| Net cost                          | 11           | 3              | 4              | 5              | 5              |
|                                   |              |                |                |                |                |
| <b>Local Authorities</b>          |              |                |                |                |                |
| Costs                             | 20           | 41             | 42             | 51             | 58             |
| Benefits                          | 17-22        | 38-50          | 40-52          | 54-69          | 60-78          |
| Net cost                          | 3-(-)3       | 3-(-)9         | 2-(-)10        | (-)2-(-)18     | (-)2-(-)19     |
|                                   |              |                |                |                |                |
| <b>Users of non-household EEE</b> |              |                |                |                |                |
| Costs                             | 20           | 41             | 44             | 52             | 58             |
| Benefits                          | 22-23        | 47-48          | 52-53          | 64             | 72             |
| Net cost                          | (-)2-(-)3    | (-)6-(-)7      | (-)8-(-)9      | (-)12          | (-)14          |
|                                   |              |                |                |                |                |
| <b>Government</b>                 |              |                |                |                |                |
| Costs                             | 4            | 11-12          | 13-14          | 22-24          | 24-27          |
| Benefits                          | 0            | 0              | 0              | 0              | 0              |
| Net cost                          | 4            | 11-12          | 13-14          | 22-24          | 24-27          |
|                                   |              |                |                |                |                |
| <b>Environment</b>                |              |                |                |                |                |
| Costs                             | 0            | 0              | 0              | 0              | 0              |
| Benefits                          | 8-18         | 21-44          | 24-48          | 38-71          | 44-81          |
| Net cost                          | (-)8-(-)18   | (-)21-(-)44    | (-)24-(-)48    | (-)38-(-)71    | (-)44-(-)81    |
|                                   |              |                |                |                |                |
|                                   |              |                |                |                |                |
| <b>Total net costs</b>            | <b>78-94</b> | <b>178-209</b> | <b>184-215</b> | <b>224-297</b> | <b>252-333</b> |

A15. Some respondents also suggested that Local Authorities should be compensated if they have to terminate any contracts involving WEEE. However, WEEE has been discussed at European level since 1998, the Directive came into force in January 2003, and was supposed to be implemented in each member State by 13 August 2005. The consultation document presents a timetable for UK

<sup>1</sup> Figures may not total exactly due to rounding.

implementation in 2007. It is also understood that Local Authority contracts have clauses relating to future changes in regulations and laws when they are negotiated.

A16. One respondent said that the partial RIA was wrong to assume “*..producers getting the value of metals to offset..cost.*” However, the partial RIA is a stylised representation of costs and benefits following the introduction of the WEEE Regulations. Under the extended producer responsibility (EPR) principle of the WEEE Directive, producers of EEE are supposed to be responsible for dealing with the waste from the products they produce when these products reach the end of their life, irrespective of the material composition of these products. Indeed, one of the rationales for EPR is to shift the costs of waste management to ‘the polluter’ and away from the general taxpayer or local municipality/authority.<sup>2</sup> Thus under the WEEE Directive, and under other EPR programmes, producers are made responsible for dealing with the cost of the waste from the products they produce. If there are metals in this waste, then under EPR this becomes the responsibility of producers to deal with as much as the non-metallic elements of the waste.

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<sup>2</sup> See, for example, OECD, *Analytical framework for evaluating the costs and benefits of Extended Producer Responsibility programmes*, 2005.