



Department
for Environment
Food & Rural Affairs

Waste Electrical and Electronic Equipment Regulations 2013

Producer Compliance Scheme Balancing System
(PBS) Review 2022

Date: May 2022

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Introduction

The 2013 Waste Electrical and Electronic Equipment (WEEE) Regulations ('the WEEE Regulations') ensure that producers of Electrical and Electronic Equipment (EEE) finance the cost of collection, treatment, recycling, and recovery of that equipment when it becomes WEEE in specified circumstances.

Amendments to the WEEE Regulations that entered into force in 2019 require producer compliance schemes (PCSs) to join the Government approved PCS Balancing System (PBS). This ensures that local authorities are guaranteed a collection service for WEEE from Designated Collection Facilities in circumstances where they have been unable to secure a collection contract from one or more PCSs. It ensures that the costs of collection and proper treatment are shared equitably amongst all PCSs according to the market share of their members.

The approval of the existing PBS runs until 19 July 2022. Defra commenced a review of the current arrangements on 13 December 2021 and invited proposals for changes to the current arrangements by 31 March 2022. A single proposal was received from WEEE Scheme Forum (WSF) to continue operation of the existing PBS with some detailed modifications designed to improve the operability of the existing arrangements.

The purpose of this consultation is to seek views on the proposal from WSF. Comments with any supporting evidence are invited on the proposed modifications within the proposal. Other modifications may also be proposed. These may be further consulted on with stakeholders, and may be considered in relation to the next review of the PBS.

Further details can be found in [section 34A and Schedule 8A Parts 1 and 2](#) of the WEEE Regulations, which were inserted by the Waste Electrical and Electronic Equipment (Amendment) (No. 2) Regulations 2018.

Audience

This consultation will be of interest to:

- producers of electrical and electronic equipment
- approved producer compliance schemes
- WEEE treatment facilities
- waste management companies
- electrical reuse organisations
- local authorities

Duration

This consultation will close Thursday 2 June 2022.

Confidentiality and data protection

Information provided in response to this consultation, including personal information, may be subject to publication, release or disclosure to other parties in accordance with the access to information regulations. These regulations are primarily the Freedom of Information Act 2000(FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR). If you want information, including personal data that you provide, to be treated as confidential please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence.

It would therefore be helpful if you can explain why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

Consultation principles

The principle that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set in the [consultation principles](#).

Help with enquiries

Questions about the policy issues raised in the document should be addressed to:

The WEEE team
Resources and Waste Team
Department for Environment Food and Rural Affairs
Seacole Building Ground floor
2 Marsham Street
London SW1P 4DF

Email: weee@defra.gov.uk

Purpose of this consultation

The purpose of this consultation is to seek views on a proposal from WEEE Scheme Forum (WSF) to continue operation of the existing PBS with some proposed, detailed modifications to improve the operability of the existing arrangements.

From 2016 to 2019, through WSF Ltd, most of the current members of the WSF operated a voluntary, market led, initiative termed the PCS Balancing System (PBS), to manage requests received by member PCSs under regulation 34 of the WEEE Regulations in a structured way. This allowed PBS members to share the financial burden of handling these requests in a fair way and provided LAs with a guarantee that their WEEE would be collected. Since 2016, all regulation 34 requests submitted to the PBS were successfully allocated, with a collection organised within five working days.

The 2018 amendment to the WEEE Regulations essentially adopted the approach developed by industry in 2016 and included a provision for the Secretary of State to appoint a mandatory PBS to handle regulation 34 requests. This amendment to the WEEE Regulations ensures that all PCSs are required to participate in the PBS and fairly share the costs. A proposal by WSF Ltd (as Operator) and Anthesis (as Administrator) to set up and manage a mandatory PBS was approved by the Secretary of State in July 2019, following a period of stakeholder consultation.

The Secretary of State is required to review the approved PBS every three years. Defra commenced a review of the [“Original 2019 WSF Ltd proposal to operate a mandatory PBS”](#) on 13 December 2021 and invited proposals from industry for changes to the current arrangements by 31 March 2022. WSF Ltd [submitted a proposal](#) which builds on the existing PBS, with some detailed modifications. These include:

- The introduction of a new summary page on PCS portal showing all the existing contracts and end dates, with PCSs automatically notified 30 days before the end of any contract
- Stage 1 of the bidding process being extended to 5 days, overlapping Stage 2
- Introduction of Regulation 34 DCF information packs, made available by incumbent PCSs
- PCSs to be able to submit cost per tonne of each WEEE category based upon winning ALL categories on offer
- Introduction of a price review mechanism which can be triggered following significant legislative or treatment requirement change
- Asking Local Authorities making Regulation 34 requests whether they will voluntarily enter a fixed term contract?
- Extending the transition period to maximum of 15 days when the skips need to be changed upon request of the new PCS, if the outgoing PCS also agrees

This consultation seeks views on the proposed continuation of the current WSF PBS, and the modifications put forward within WSF's proposal. Defra is not proposing any changes beyond those specified in this consultation document.

How to respond

To submit your consultation response, please use [Citizen Space](#) (our on-line consultation tool).

Our preferred method of consultation is online because it is the easiest way for us to collate and analyse responses. You can request a hard copy of our questionnaire (to complete and return by either email or post) by contacting us at weee@defra.gov.uk

Consultation questions

We are interested in collecting the following information from those responding to the consultation:

- your name and whether you are responding on behalf of an organisation
- your address, email address and where you are based
- where you are a representative of an EEE producer, producer compliance scheme (PCS), approved authorised treatment facility (AATF), waste management company, local authority, distributor (retailer or distance seller), electrical reuse organisation, or another type of organisation

You are not obliged to provide all the above information or respond to all the questions below.

In responding to the questions below it is important that you read:

- [Original 2019 WSF Ltd proposal to operate a mandatory PBS](#), particularly the Executive Summary and chapter 2 and;
- [WSF proposal to operate the statutory PBS from 2022 – Final](#).

Question 1a

Do you support the approval by the Secretary of State, of the PBS as set out in the Original 2019 WSF Limited proposal, with some or all the modifications set out in the following questions?

Yes

No

Don't know

Question 1b

If No, do you support the approval by Secretary of State of the PBS as originally set out in the Original 2019 WSF Limited proposal?

Yes

No

Don't know

Please provide any supporting evidence in support of your answer

Question 2

Do you support the introduction of a new summary page on PCS portal showing all the existing contracts and end dates? With PCSs automatically notified 30 days before the end of any contract, and Anthesis to contact LA in anticipation to state intention at contract end?

Yes

No

Don't know

Please provide any supporting evidence in support of you answer

Question 3

Do you support Stage 1 of the bidding process being extended to 5 days, overlapping Stage 2?

Yes

No

Don't know

Please provide any supporting evidence in support of you answer

Question 4

Do you support the introduction of Regulation 34 DCF information packs, made available to PCSs by the incumbent PCS for future Regulation 34 requests?

Yes

No

Don't know

Please provide any supporting evidence in support of you answer

Question 5

Do you support PCSs to be able to submit cost per tonne of each WEEE category based upon winning ALL categories on offer?

Yes

No

Don't know

Please provide any supporting evidence in support of you answer

Question 6

Do you support the introduction of a price review mechanism which can be triggered following significant legislative or treatment requirement change?

Yes

No

Don't know

Please provide any supporting evidence in support of you answer

Question 7

Do you support asking Local Authorities making Regulation 34 requests whether they will voluntarily enter a fixed term contract?

Yes

No

Don't know

Please provide any supporting evidence in support of you answer

Question 8

Do you support the transition period between contracts when the skips need to be changed over being extended to a maximum of 15 days upon request of the new PCS, if the outgoing PCS also agrees?

Yes

No

Don't know

Please provide any supporting evidence in support of you answer

Question 9

Would you support/propose any further changes to the PBS currently in operation? Any suggested amendments may be further consulted on with stakeholders, and may be considered in relation to the next review of the PBS

Yes

No

Don't know

Please specify with evidence to support your answer

Next Steps

Following consultation, the Secretary of State will approve the existing PBS with or without modification before the existing approval expires on 19 July 2022.