

Consultation on reforming the UK producer responsibility system for waste electrical and electronic equipment (WEEE)

Equalities Impact Assessment

December 2023

Consultation on Reviewing the Producer Responsibility System for Waste Electrical and Electronic Equipment

Summary of aims and desired outcomes of the Policy

The Scottish Government, together with the UK and Welsh Governments and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (DAERA), intend to reform the current producer responsibility (PR) for waste electrical and electronic equipment (WEEE).

This reform will make it easier for people to dispose responsibly of WEEE and ensure that producers of these products take full responsibility for their responsible management at end of life.

Executive Summary

This Equalities Impact Assessment (EQIA) has been carried out to identify potential impacts in Scotland resulting from the introduction of reforms to the extended producer responsibility (EPR) system for waste electrical and electronic equipment (WEEE). This EQIA accompanies a Consultation on policy proposals and a separate and accompanying Call for Evidence which contains further options for future development.

Although the proposals in these documents are at an early stage, given the importance of assessing their impact on each of the protected characteristics, the Scottish Government has considered the proposals against the needs of the Public Sector General Equality Duty as set out in section 149 of the Equality Act 2010¹ and has considered whether the measures could constitute direct and/or indirect discrimination.

This EQIA has considered the potential positive and negative impacts of introducing reforms to the WEEE PR system on each of the protected characteristics. At this time, age, disability and race have been identified as characteristics that may be differentially impacted. The provisions, and how they may impact on people, across the protected characteristics are set out under Key Findings.

As the proposed changes to the WEEE PR scheme are intended to have

¹ [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

a positive impact on the environment and improve the ease with which people can return WEEE items to be recycled or reused, the EQIA has not identified any proposal which would have a direct negative impact on any of the protected characteristic groups. The evidence gathered and reviewed indicates that overall, the proposed WEEE Extended Producer Responsibility (EPR) scheme will have a positive impact on equality by providing greater access to services and inclusive communications. Therefore, it is not considered that any changes to the proposals listed in the consultation document should be made because of the assessment at this stage.

However, this EQIA has identified a small number of potential indirect impacts which should be considered in the implementation of any changes to the WEEE PR system.

Background

The Waste Electrical and Electronic Equipment Regulations 2013 (the WEEE Regulations)² provide for a degree of producer responsibility for electrical products placed on the market. Producers have supported an increase in the recycling rate of WEEE, ensured WEEE that is correctly disposed of is managed correctly, and reduced environmental impacts from poorly managed WEEE.

The proposals laid out in the accompanying consultation aim to encourage greater reuse and recycling by making it more convenient for the public to deal with their WEEE responsibly. The consultation also proposes to expand the scope of producer responsibilities to online marketplaces and distributors; and finally, to ensure that producers of vapes properly finance recycling and disposal costs when they become waste.

Items currently collected via the existing WEEE PR scheme via local authority Household Waste and Recycling Centres (HWRCs) and directly from retailers are well managed under the WEEE regulations. However it is believed a significant volume of WEEE is lost due to incorrect disposal by households. UK-wide research from Material Focus indicates there is still only a 57% recycling rate, with over 450,000t of WEEE disposed of through residual waste streams³. Of this, 155,000t is estimated to arise in household residual waste.

² [The Waste Electrical and Electronic Equipment Regulations 2013](#)

³ [Material Focus - Mapping waste electrical flows in the UK](#)

The current system for collection and proper treatment of WEEE is based on 'collective producer responsibility'. Producers contribute based on their market share in specified equipment categories, but do not have to reprocess their own equipment. The WEEE regulations have led to separate collections of household WEEE, primarily via HWRCs and retailers. Industry have funded the cost of collection and proper treatment since 2007⁴.

Businesses which place electrical and electronic equipment (EEE) from 14 broad categories on the UK market are obligated to comply with these regulations. These apply to businesses that produce and/or distribute EEE in the UK.

Obligations vary depending on whether:

- A manufacturer or producer places more or less than 5 tonnes of EEE onto the UK market
- A distributor sells more or less than £100,000 worth of EEE annually
- A distributor has a physical store/retail space or is an online/distance seller

The current WEEE PR system does not fully meet the requirement that producers bear fiscal responsibility for all impacts of the products they place on the market. As such, they are not incentivised to reduce these impacts, to advance circular outcomes from their products and are not responsible for all the environmental impacts created by their products at end of life.

EPR is a well-established principle around the world and places the costs of managing products at end-of-life on producers in line with the 'polluter pays' principle. EPR will reform the existing WEEE Producer Responsibility scheme⁵ and will apply to the whole of the UK.

Provisions within the review of UK producer responsibility systems for waste electrical and electronic equipment (WEEE)

Our policy proposals for WEEE EPR are set out in two documents: a consultation on firm policy proposals, accompanied by a suite of impact

⁴ [The Waste Electrical and Electronic Equipment Regulations 2006](#)

⁵ [The Waste Electrical and Electronic Equipment Regulations 2013](#)

assessments; and a Call for Evidence on policy options which we intend to develop further.

The key policy proposals set out in the consultation document are:

- To require producers to fund a kerbside collection for WEEE for households.
- To require online sellers and marketplaces to provide takeback options for WEEE for consumers, and for physical retailers to offer increased in-store take back options.
- To require online sellers and marketplaces to contribute to financial obligations placed on EEE producers.
- To create a new WEEE category for vapes/e-cigarettes.
- Establishment of a WEEE EPR Scheme Administrator and governance requirements including performance indicators

The proposals that we are seeking to gather more evidence on, set out in the accompanying Call for Evidence are:

- To require producers to cover the full net costs for managing their products when they become waste (in addition to kerbside collections for small and large WEEE as per the consultation proposals above).
- That the current methodology for how costs are allocated for the collection and treatment of household WEEE should be reviewed.
- That methodologies for encouraging the prevention, and increasing reuse of, unwanted EEE through producer fees is considered/investigated.
- That eco-modulation approaches are considered to support a move towards a circular economy through improved product design and business models.
- To consider approaches to increase collection of business WEEE.
- To consider options to support improvement of treatment standards.

While the proposed policy proposals in both the consultation and the Call for Evidence are focused on producers rather than individuals, they have the potential to impact on individuals and households.

This reform of WEEE PR is considered a strategic decision, requiring the completion of a number of impact assessments including an Equalities Impact Assessment.

We have also produced a partial Business Regulatory Impact

Assessment (BRIA), Fairer Scotland Duty Assessment (FSDA) and Island Communities Impact Assessment (ICIA) which sit alongside the Consultation document and its more detailed proposals.

At this stage, the Call for Evidence document asks for input and additional evidence to allow further development and refinement of the potential policy proposals. This is ahead of a future consultation on formal UK-wide proposals which will include an updated BRIA and other impact assessments.

Policy context

The proposed changes interact with and align to a variety of other Scottish, UK, and European policies (draft or existing) including, but not limited to:

- Scottish Government National Performance Framework
- Scottish Climate Change Policy
- Making Things Last: A Circular Economy Strategy for Scotland
- Waste Batteries and Accumulators Regulations 2009 (as amended)
- Restriction of Hazardous Substances (RoHS)
- The Management and Treatment of Persistent Organic Pollutants (POPs) within Waste Electrical and Electronic Equipment (WEEE) and other materials
- A mandatory digital waste tracking service
- The European Union (EU)'s Circular Economy Package 2018
- The European Union (EU)'s Circular Economy Action Plan, 2020
- European Commission's establishment of Right to Repair
- UN Sustainable Development Goals

About the EQIA

The EQIA considers impacts on equalities groups based on the three tests that it is required to address:

- Does this policy eliminate discrimination for each of the nine protected characteristics (PCs⁶). If not, is the discrimination justifiable? Can it be mitigated?
- Does this policy advance equality of opportunity for PC groups?

⁶ [Equality and Human Rights Commission - Protected Characteristics](#)

- Does this policy foster good community relations between people of PC groups?

A policy measure may positively impact on one or more of the protected characteristics, while having a disproportionately negative impact on others. Where any negative impacts are identified, we seek to mitigate or eliminate these. The Public Sector Equality Duty (PSED) is not just about addressing negative impacts, as we also have a positive duty to promote equality.

The Scope of the EQIA

The development of this EQIA, and identification of both the potential positive and negative impacts of the proposals, has been informed by:

- A Framing Workshop conducted by Zero Waste Scotland and Scottish Government representatives, which identified a limited number of potential impacts for three protected characteristic groups. These groups are age, disability, and race. See under Key Findings below for further information.
- Desk-based research was undertaken to source existing qualitative and quantitative data and evidence, including evidence from large Scotland and UK-level surveys, to assess the potential impacts identified during the framing workshop and identify any other potential impacts.

The impacts identified are largely a function either of service introductions or changes by local authorities, retailers, online sellers, producers and manufacturers; access to these services; and related communications.

This EQIA is not intended to be a definitive statement or a full assessment of impacts. In line with good practice it will be kept under review as this work develops. We will engage with organisations representing the key protected characteristics during the consultation period to test our findings.

Key Findings

Age

Older individuals may be disproportionately affected by any changes to service design or introductions of new services by local authorities,

retailers, online sellers, producers and manufacturers⁷. It is possible older persons may be more likely to find changes and/or new services difficult, particularly in relation to new digital technology⁸; they are also more likely to have a limiting condition such as visual or hearing impairments⁹. Therefore, inclusive communication methods and styles would need to be factored into all communications to ensure that relevant support is provided by whoever is providing the service/information¹⁰.

The Scottish Household Survey (2021)¹¹ found that older people are slightly less likely to be regular internet users, with 71% of adults 75+, and 91% of adults aged 60-74 regularly using the internet. This compares with 100% of 16-24 year olds. It will thus be important for inclusive communications to go beyond digital means. This should be taken into consideration for the ability of various age groups to access digital information, online shopping, and internet seller take-back schemes, as well as any proposal to make mandatory labelling to provide information on the sustainability of electronics available via QR codes. It will also be important to consider that older people may be slightly less likely to benefit from online sellers offering free take-back services.

Any improvements to communications to ensure individuals of all ages understand opportunities for the recycling or reuse of WEEE will have a positive impact.

There will also be a need to ensure that container type, collection frequency and any amendments to assisted lift¹² provision are taken into consideration. This will be particularly relevant for older and less physically able householders who may for example, struggle to lift kerbside boxes or bags.

The introduction of kerbside collections for WEEE and online take-back services should have a positive impact on particularly younger and elderly age groups (particularly single pensioner households). These age groups¹³ have been shown as less likely to have direct access to a

⁷ [Government Office for Science - Future of an Ageing Population](#)

⁸ [Age UK - Facts and figures about digital inclusion and older people](#)

⁹ [Older People's Experiences of Living with, Responding to and Managing Sensory Loss](#)

¹⁰ [Scottish household survey 2019: annual report](#)

¹¹ [Scottish household survey 2019: annual report](#)

¹² All Scottish local authorities offer a form of assisted lift.

¹³ [Transport Scotland - Scottish Transport Statistics No. 38 2019 Edition - Chapter I: Road Transport Vehicles.](#)

private vehicle, and therefore lack the convenience car owners would have in terms of transporting items to their local household recycling centre or directly to a retailer. Household recycling centres are generally located outside of city centres, and the transport of items of WEEE could be difficult using public transport. For large items of WEEE, transporting by private transport is the only alternative for the householder to paying for the local authority to collect. Similarly, householders purchasing new large electrical items will have the option to pay the retailers to remove the old appliance on delivery of the new item.

Consideration should be given to how any increases in costs attributed to WEEE EPR is passed through¹⁴ to the consumer, with younger people more likely to be in relative poverty and/or have a lower disposable income. At this time, direct attribution costs have not been finalised. However, cost modelling work undertaken by Defra suggests an estimated net cost increase across all households of £0.95/year should all proposals in the consultation be taken forwards.

Recently, increasing attention has been given to vapes (e-cigarettes), and specifically the uptake in disposable vape use by young people^{15,16}. In spring 2023 The Scottish Government commissioned research to better understand the environmental impacts of single-use vapes. The research, published in June 2023¹⁷, informed the four nations consultation on tackling smoking and youth vaping which ran from Oct-Dec 2023¹⁸. This consultation also proposes creating a new EEE category for vapes, to ensure that vapes producers are paying the full cost of separate collection and recycling of waste vapes, and remove the risk of other existing Category 7 producers subsidising the cost of collection and treatment of vapes.

Disability

24% of adults in Scotland have a long-term physical or mental health condition, as per the Scottish Household Survey (2019)¹⁹. A physical or mental disability may affect an individual's capacity to manage or adapt to any changes associated with reform of the system. For example the

¹⁴ 'Cost pass-through' describes what happens when a business changes the price of the products or services it sells following a change in the cost of producing them.

¹⁵ [NHS - Decrease in smoking and drug use among school children but increase in vaping, new report shows.](#)

¹⁶ [House of Lords Library - Vaping among teens: A growing trend?](#)

¹⁷ [Zero Waste Scotland - Environmental impact of single-use e-cigarettes](#)

¹⁸ [UK Government - Consultation - Creating a smokefree generation and tackling youth vaping](#)

¹⁹ [Scottish household survey 2019: annual report](#)

introduction of services such as kerbside collection services, online take-back and accessing take-back points.

To help support people with limiting conditions adapt to any future changes in managing their WEEE, inclusive communication methods and styles, including non-digital means, would need to be applied and adequate support provided by local authorities, retailers, online sellers, and producers/manufacturers. Any communications would need to be inclusive for a variety of conditions, including but not limited to, visual and hearing impairments, dyslexia, and other learning difficulties, etc. as well as communications tailored to young and adult carers.

Similar to older people, people with limiting conditions²⁰ are less likely to use the internet. 29% of adults who have some form of limiting long-term physical or mental health condition or illness do not use the internet, a significantly higher share than for those who have some form of non-limiting condition or illness (10%) and those who have none (6%). As noted above, inclusive communications beyond digital means will thus be required.

Any improvements to communications to ensure individuals with limiting conditions can manage and adapt to opportunities for the recycling or reuse of WEEE, will have a positive effect.

The introduction of kerbside collections of WEEE and online take-back services should positively affect people with limiting conditions by providing a more accessible service. Just under half²¹ (46%) of people with a long-term health problem or disability which limits their day-to-day activities, reside in households with no cars or vans. This compared to only 19% of people with no limiting long-term health problem.

As above, consideration will need to be given as household collections of WEEE are designed and implemented in terms of container type, collection frequency and any amendments to assisted lift provision. This will be particularly relevant for less physically able householders who may for example, struggle to lift kerbside boxes or bags.

Again, consideration would need to be given to how any increases in cost of electrical items is passed through to the consumer, with 23% of

²⁰ [Scottish household survey 2019: annual report](#)

²¹ [Transport Scotland - Disability and Transport: Findings from the Scottish household survey July 2021](#)

people with disabilities in relative poverty compared to 17% of people who are not disabled²².

Sex

No evidence was identified which would indicate a likely differential impact based on sex resulting from changes to the WEEE EPR system.

Pregnancy & Maternity

No evidence was identified which would indicate a likely differential impact on pregnant or new mothers resulting from changes to the WEEE EPR system.

Gender Reassignment

No evidence was identified which would indicate a likely differential impact on an individual who has undergone gender reassignment or changed their gender identity resulting from changes to the WEEE EPR system.

Sexual Orientation

No evidence was identified which would indicate a likely differential impact on sexual orientation resulting from changes to the WEEE EPR system.

Race

The issues outlined above regarding inclusive communications also apply to minority ethnic citizens. In instances where English is not spoken as the first language, consumers should be able to readily access required information. As such, it will be important for local authorities, retailers, online sellers, and producers/manufacturers to ensure their communications are accessible in multiple languages.

Some minority ethnic people are less likely to have access to a vehicle²³. Car ownership statistics from the Transport Scotland Scottish Household Survey²⁴ shows that the proportion of households with no car or van available was highest for 'African' (60%) or 'Caribbean or Black' (49%) ethnic groups. These groups therefore may benefit from the introduction of kerbside collections of WEEE and online take-back services.

²² [Scottish Government - National Performance Framework - disability perspective: analysis.](#)

²³ [Car or van ownership by ethnicity over time](#)

²⁴ [Transport Scotland - Scottish Transport Statistics No. 38 2019 Edition - Chapter I: Road Transport Vehicles.](#)

Minority ethnic groups are more likely to be in relative poverty and/or have a lower disposable income²⁵ and may potentially be disproportionately impacted if any increases in cost of electrical items is passed through to the consumer.

Religion or Belief

No evidence was identified which would indicate a likely differential impact on for based on religion or belief resulting from changes to the WEEE EPR system.

Marriage and Civil Partnership

The Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR, policies and practices. This policy does not relate to work therefore we have not considered it for this EQIA.

Recommendations and Conclusion

The evidence collated indicates that the proposed changes to the WEEE EPR system are not likely to have significant direct adverse impacts on those with protected characteristics provided communication requirements are carefully considered to ensure inclusiveness.

Greater access to services to return WEEE for reuse or recycling, such as via the introduction of kerbside services and online take-back will provide a positive impact to people with limited mobility or limited access to a vehicle.

It is also expected that improvements to communications will have a positive impact by ensuring individuals within the protected characteristic groups of Age, Disability and Race more fully understand opportunities for the recycling or reuse of WEEE.

This EQIA has been undertaken using the data and evidence available and gathered to date. However, as this is a preliminary and indicative assessment of the potential impacts, it will, in line with best practice be subject to further review and revision. It is our intention to use the upcoming UK-wide consultation period to undertake additional evidence building and stakeholder engagement. This will help to further test our findings and better understand any impacts that may occur. The

²⁵ [Scottish Government - News - Poverty levels broadly stable](#)

outcome from these discussions will be included in an updated assessment to be published with our response to the consultation.

Sign off

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Date: 30 November 2023



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The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83521-804-4 (web only)

Published by The Scottish Government, December 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1396174 (12/23)

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