



VCA ANNUAL REPORT of ACTIVITIES

The Waste Electrical and Electronic Equipment Regulations

VCA Enforcement Report for BIS April 2014 to March 2015

Introduction:

BIS appointed the Vehicle Certification Agency (VCA) in May 2007 to enforce the consumer-facing provisions of the Regulations. This report is submitted as part of the joint MoU for BIS/VCA work streams on behalf of VCA. On the 1 April 2015, the Enforcement staff transferred under COSOP to the National Measurement and Regulation Office.

Aim:

The aim of this report is to provide a final report on the VCA's Enforcement progress during this reporting period. The Regulations were amended in January 2014. Consequently, VCA regulated the following processes:

- Distributor WEEE take back (including very small WEEE)
- Distributor WEEE information to consumers
- Distributor Record keeping of WEEE returned under these regulations.
- Producers marking EEE with the crossed out wheeled bin symbol.

This report summarises the activities conducted throughout the reporting period as well as indicating expectations for the future.

Overview:

Key outcomes:

- Continued positive trend in compliance rates.
- Industry has received guidance in understanding changes to regulatory obligations following the Recast Directive.

Activities:

The activities are reported in three separate areas Market Research (MR), Enforcement Inspections and Administrative Support. The former two have milestones agreed with BIS. The Administration Team support VCA's field workers, follow up reported non-compliance, give advice to distributors and play a key role in bringing them into compliance. They also support the distributor as well as the householder via the operation of the WEEE helpline.



During this reporting period 3224 enforcement/MR activities have taken place.

Additionally, on 1st January 2014, the WEEE recast was implemented which introduced takeback of very small WEEE for larger stores and renumbering of the key regulations that VCA enforce. For this year's report, the new Regulation number will be in bold and the former number will be in bracketed e.g. Reg **22**(15)

Market Research:

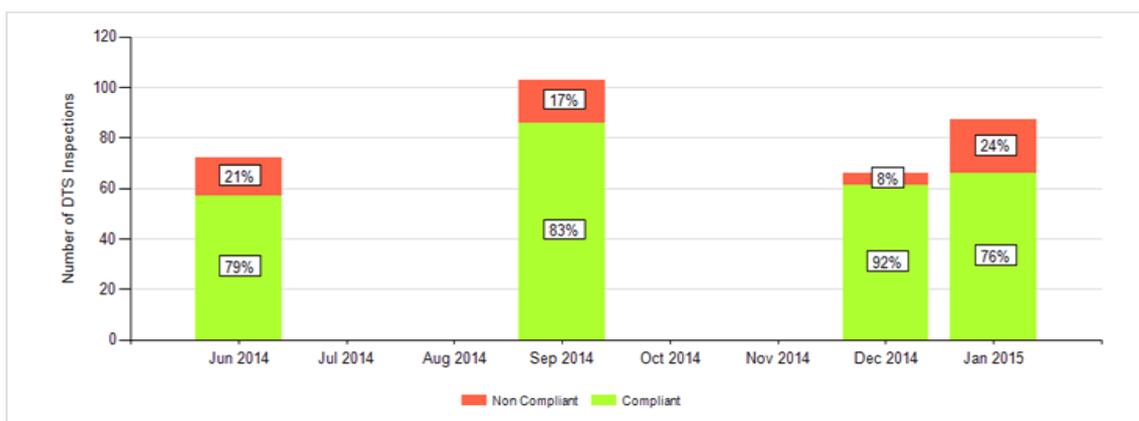
During this reporting period, 527 stores were inspected (DTS 328 (Fig 1 refers), Non DTS 199 (Fig 2 refers)) and the findings are listed below. The MR is only able to identify compliance in regards to Regulation **42**(31), Take back, Regulation **44** (33), consumer information. Regulation **22**(15), product marking is no longer conducted by MR activities, as this was compromising the intended normal response behaviour to the MR with the storekeepers. Regulation **45** (34) (record keeping) is not included in MR activities as it is not a credible enquiry from a market researcher.

The principle role of the MR is to identify the compliance of a retailer as would be experienced by a member of the public interested in purchasing EEE. This activity is undertaken using a flexible field based market intelligence team, which can be redirected at BIS's request. Unlike enforcement inspections, the MR do not identify themselves. After discussions with BIS & Defra, it was agreed that to achieve a degree of meaningful comparison from collated data across the UK and within specific retail sectors, the following approach would be taken:

A 'basket' of stores is identified by the management team for a MR period, with the content of the basket and, potentially, the geographical location of those stores, to be varied at set periods throughout the year, hence some months there are no MR inspections conducted.

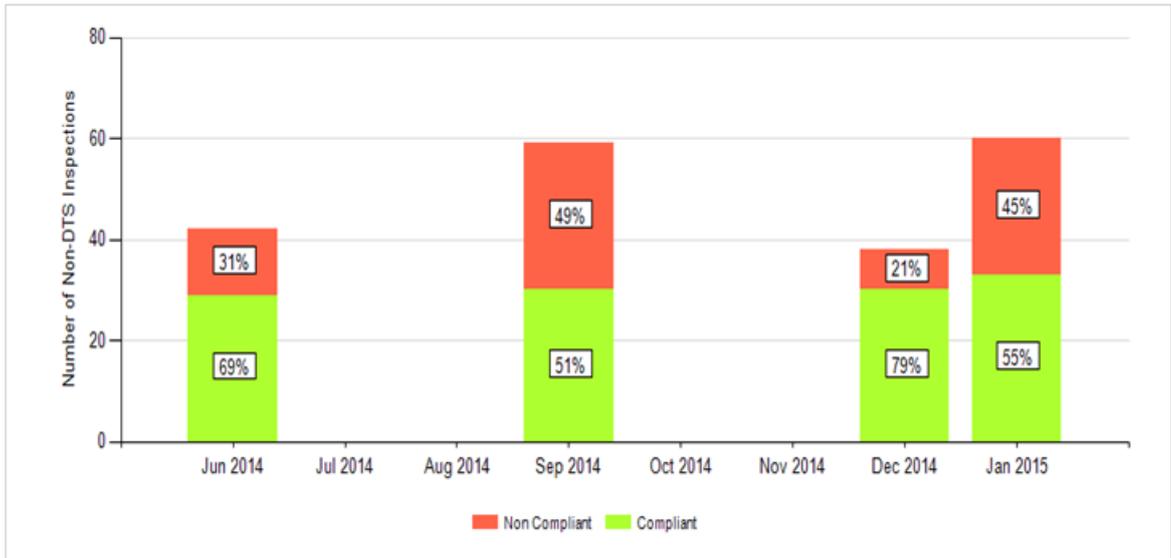
The basket content takes into consideration stores who were due for review or particular store types, which may be considered a higher risk at that particular time. A favourable MR review may influence the decision process for later enforcement inspections.

Fig: 1



	Jun 2014	Sep 2014	Dec 2014	Jan 2015
DTS Non-Compliant	15	17	5	21
DTS Compliant	57	86	61	66

Fig: 2



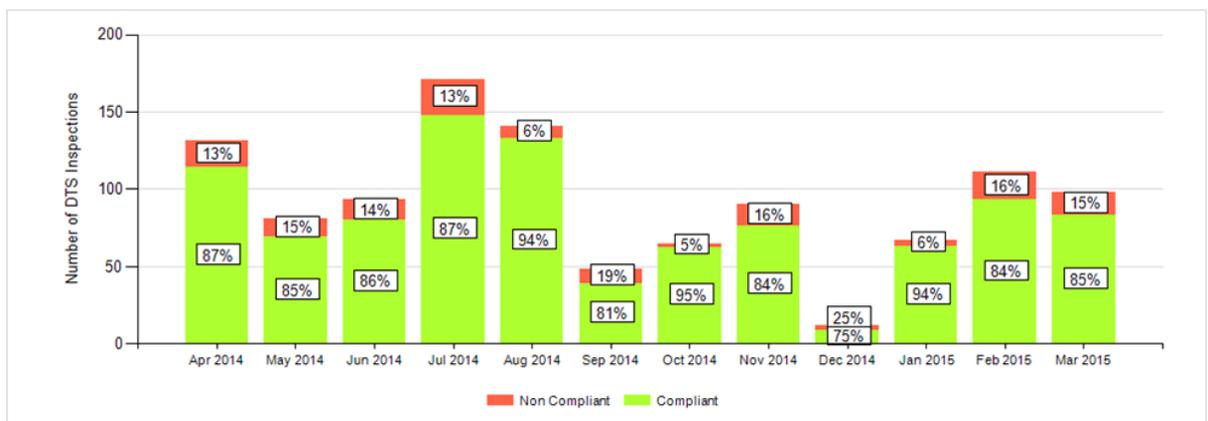
	Jun 2014	Sep 2014	Dec 2014	Jan 2015
Non-DTS Non-Compliant	13	29	8	27
Non-DTS Compliant	29	30	30	33

Enforcement Inspections:

During this reporting period 2112 store inspections were carried out (DTS 1108, Non DTS 1004) and the results are set out below.

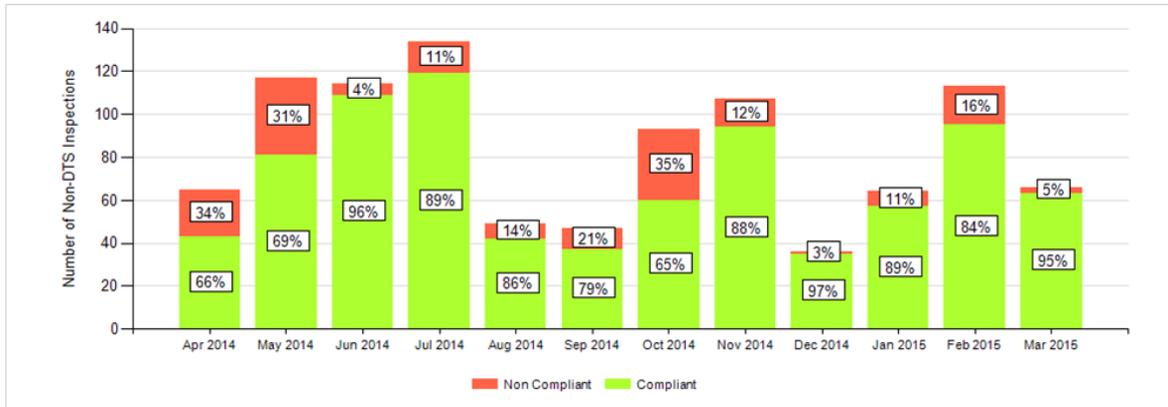
The Enforcement Officers are based across the UK. When they inspect a distributor, they formally introduce themselves and identify the compliance of the distributor against Regulations **42**(31), **44** (33) and **45** (34), record keeping, as well as examining products to determine the producer’s compliance against Regulation **22** (15). This activity allows for a certain amount of flexibility but can still be redirected at BIS’s request.

Fig: 3



	Apr 2014	May 2014	Jun 2014	Jul 2014	Aug 2014	Sep 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015
DTS Non-Compliant	17	12	13	23	8	9	3	14	3	4	18	15
DTS Compliant	114	69	80	148	133	39	62	76	9	63	93	83

Fig 4:



	Apr 2014	May 2014	Jun 2014	Jul 2014	Aug 2014	Sep 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015
Non-DTS Non-Compliant	22	36	5	15	7	10	33	13	1	7	18	3
Non-DTS Compliant	43	81	109	119	42	37	60	94	35	57	95	63

Very Small WEEE:

Under the WEEE recast, the following regulation was introduced:

42(2) A distributor who supplies new EEE from a retail premises with a sales area relating to EEE of at least 400m² must provide for the collection of very small WEEE free of charge to the end-user of the EEE with no obligation to buy EEE of an equivalent type. Such collection must take place at the retail premises or in its immediate proximity.

With the agreement of BIS, VCA has used the Commission Competition definition for sales area i.e.

The sales area within a building (i.e. all internal areas accessible to the customer), but excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts.

and 400m² is based on store footprint (horizontal) not shelf space (vertical) where more than 50% of aisle is EEE is included. DTS Members are excluded from this requirement.

It has been agreed with BIS for this reporting year, that this would be an educational process to our enforcement. Prior to the implementation of this Regulation VCA gave presentations to affected stakeholders such as BRC and Valpak, as the DTS coordinator as well as a mailshot via email of the majority of our stakeholders and updates on our website.

During this reporting period of the 2112 stores inspected, 17 were assessed to have an EEE sales area in excess of 400m². 11 were DTS members, 6 were not. All of the 6 non DTS stores, were prepared to take back very small WEEE .



Impact of VCA Enforcement

VCA continue to use intelligence led risk based enforcement. The intelligence is gathered, in part from our Market Research, and we prioritise enforcement inspections on distributors who have been identified as having poor emphasis on their regulatory WEEE obligation.

In the Enforcement program, we concentrate our efforts on those companies who we identify not to be meeting their Regulatory obligations. We leave other retailers who have proved to us during inspection that they have a robust process in place, but occasionally, review their standard of compliance to be satisfied that their high standards are being maintained.

The final sanction before consideration of potential prosecution is to serve a distributor an Enforcement Notice. Historically we have found that this has been an effective tool and gives the industry one final opportunity to get their processes in place.

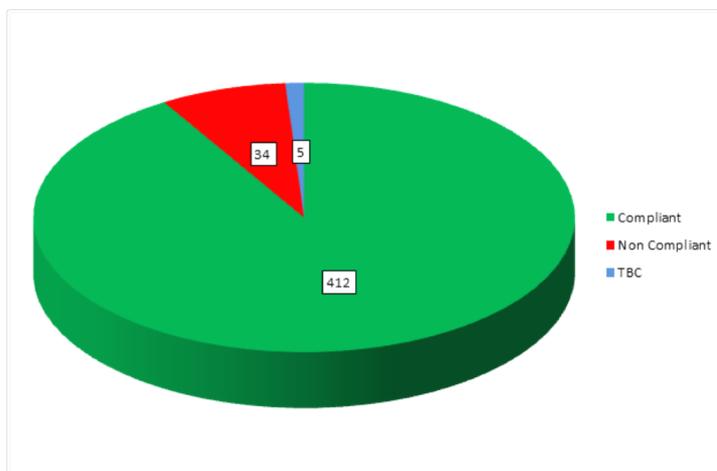
Notwithstanding these points during this reporting period the decision was made to issue five Enforcement Notices, to date all notices have resulted in positive compliance action by the companies served.

Reg 22(15): Monitoring of product markings – the crossed out wheeled bin symbol

Producers are required to mark new EEE placed on the UK market, after 13th August 2005, with the crossed out wheeled bin symbol. VCA is responsible for monitoring and enforcing this producer obligation, in relation to products supplied to household users. To date we have not identified a significant issue in this area, the occasional potential non-compliance has been addressed promptly by the Producer.

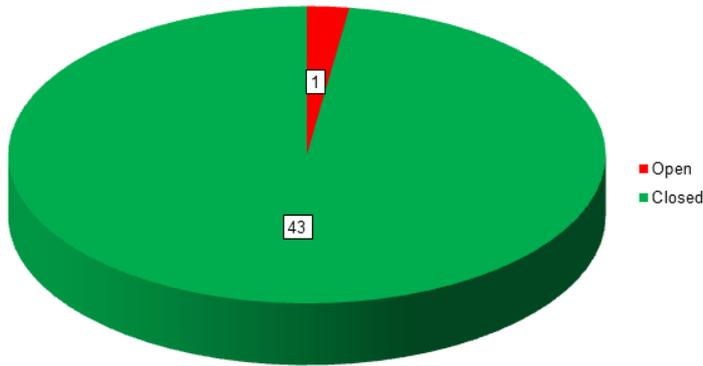
During this period, Fig 5 refers; VCA has conducted 451 product checks during trade shows and store inspections. Out of these 407 (90%) were identified as compliant products, 39 (9%) were identified as non-compliant and 5 (1%) are currently being queried with the relevant producers accordingly.

Fig: 5



During this period, Fig 6, below refers, VCA has opened **44** cases with producers, closing **43 (98%)** of these as we were satisfied that these producers were marking products in compliance.

Fig: 6



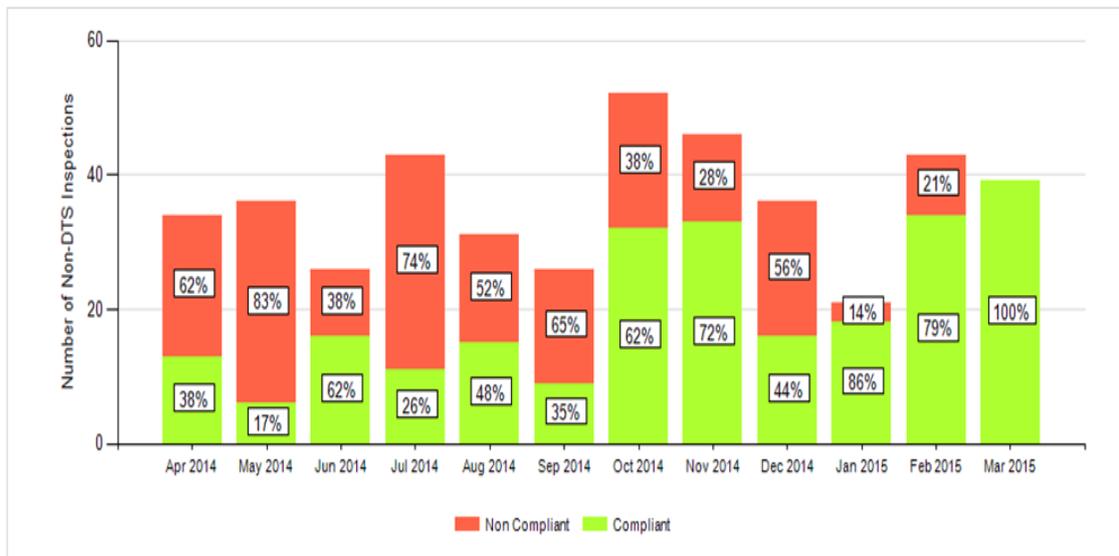
Distance Sellers

During this reporting period, 605 inspections have been conducted (DTS 172 (Fig 7), Non DTS 433 (Fig 8)). Internet enforcement has proved to be more problematic in one particular area.

Firstly, addressing non-compliance with DTS members has proved effective. However, VCA has found it particularly challenging to build effective communications with retailers who are not DTS members.

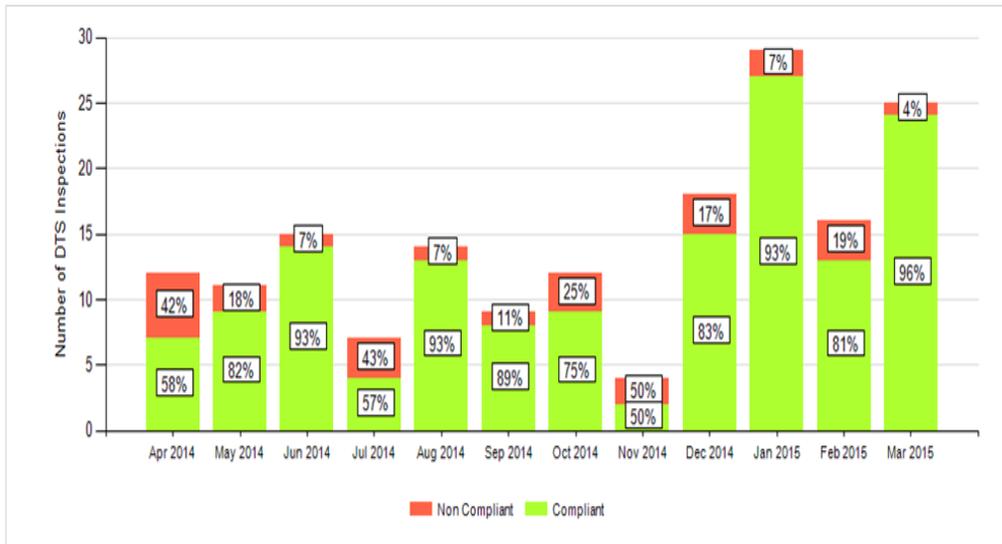
Nonetheless, Enforcement visit figures do reflect a generally positive response by distributors who initially were non-compliant and have since worked with the Agency to achieve compliance.

Fig: 7



	Apr 2014	May 2014	Jun 2014	Jul 2014	Aug 2014	Sep 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015
Non-DTS Non-Compliant	21	30	10	32	16	17	20	13	20	3	9	0
Non-DTS Compliant	13	6	16	11	15	9	32	33	16	18	34	39

Fig: 8

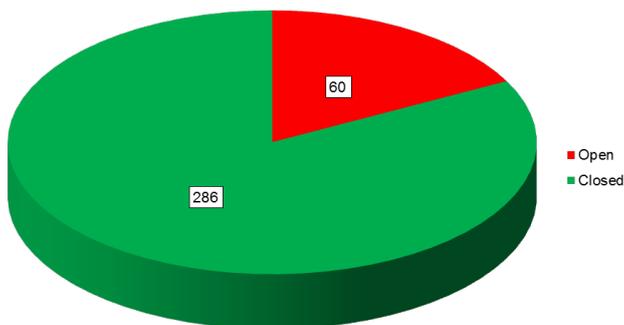


	Apr 2014	May 2014	Jun 2014	Jul 2014	Aug 2014	Sep 2014	Oct 2014	Nov 2014	Dec 2014	Jan 2015	Feb 2015	Mar 2015
DTS Non-Compliant	5	2	1	3	1	1	3	2	3	2	3	1
DTS Compliant	7	9	14	4	13	8	9	2	15	27	13	24

Distributor Cases Opened/Closed April 2014 - March 2015

During this reporting period, 286 cases have been closed, and 60 remain open. The open cases are a combination of cases that have yet to be resolved, or there are investigations with the company to address either distributor or potential producer (Regulation 22 (15)) non-compliances.

Fig: 9





Administrative Support

The Administrative Support is the vital hub of the whole team. They operate the WEEE helpline and coordinate all enquiries, from producers, distributors and householders, collate data from the field, and correspond with, and give guidance to, all distributors visited during this period.

They have received in excess of **500** initial enquiries in this period as well as providing all of the administrative support that over **3,400** enforcement/MR visits generate throughout the year.

Working with Partners

Throughout this reporting period, the Agency has recognised the importance of working with stakeholders in the WEEE network to deliver excellent customer service to distributors. Whilst obviously liaising closely with BIS and the respective EAs VCA actively participated in work with Zero Waste Scotland, to promote WEEE support in this area.

VCA has additionally worked with various Trade Associations, retail groups and organisations that have a stake in the wider WEEE system.

Staff & Training

VCA continued to ensure that all staff had the correct skills and training in order to conduct their duties effectively. Members of the Enforcement Team have had a number of in-house refresher training courses on the Case Management system, and despite the challenges of staff changes in the Admin team, we continued to ensure the same high calibre of service

Enforcement Process

The WEEE Management Team met monthly to review the findings for the previous month and to identify priorities for the enforcement team against the data collected.

This process enabled industry to continue to develop whilst ensuring that they met their regulatory obligations through an approach of guidance and where required, balanced regulatory action. Providing best value for government departments and the taxpayer.

Moving forward

As initially raised in last year's Annual report, and discussed during regular meetings, this is the last report for WEEE enforcement from VCA. The decision was made that the Enforcement team would transfer under COSOP to the National Measurements and Regulation Office. Communications were made with industry and to date; it would appear that the transition has gone ahead without any detrimental impact to industry or our sponsors.

Summary

This has been a particularly challenging year for VCA and in particular the Enforcement team, despite all of this we continued to meet all of our KPIs and increased the compliance rate nationally.

I would like to take this opportunity to thank VCA for it's support over the past 7 years and wish them all the best for the future.



P TENNANT

Senior Enforcement Manager