

Environmental Audit Committee

Oral evidence: E-Waste and the Circular Economy, HC 220

Thursday 17 September 2020

Ordered by the House of Commons to be published on 17 September 2020.

[Watch the meeting](#)

Members present: Philip Dunne (Chair); Duncan Baker; Feryal Clark; Barry Gardiner; Jerome Mayhew; Alex Sobel; Claudia Webbe.

Questions 197 - 273

Witnesses

I: Rebecca Pow MP, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, Chris Preston, Deputy Director of Waste and Recycling, Department for Environment, Food and Rural Affairs, and Malcolm Lythgo, Deputy Director of Waste Enforcement and Regulation, Environment Agency.



Examination of witnesses

Witnesses: Rebecca Pow MP, Chris Preston, and Malcolm Lythgo.

Q197 **Chair:** Welcome the Environmental Audit Committee. This is the last of our sessions on electronic waste and the circular economy. We are very pleased today to have with us Minister Rebecca Pow, the Parliamentary Under Secretary of State at DEFRA with responsibility for waste and resources. Good morning, Minister. I would ask you to kindly introduce the two officials who are with you.

Rebecca Pow: Good morning, Chair. It is my first appearance before a Select Committee and I am delighted it is the Environmental Audit Select Committee, of which I used to be a member. I am pleased to be talking on this subject today.

I will just introduce my team here. I have the Deputy Director of Resources and Waste, Chris Preston, who is in the room with me, safely distanced of course. On the line we have Malcolm Lythgo, who is the Deputy Director, Regulated Industry, for the Environment Agency. Hopefully, they will both be joining in.

Q198 **Chair:** Indeed, thank you. Chris and Malcolm, could you say something so we can check that we can hear you?

Chris Preston: Good morning, Chair.

Malcolm Lythgo: Good morning, Chair.

Q199 **Chair:** Good morning, thank you very much for joining us. I am going to start, Minister, by asking you a few questions about the targeting regime for electronic waste. As you know, the EU set targets for electronic waste a number of years ago and for some years the UK was doing quite well in coming close to achieving those targets. For the last three consecutive years, we have missed our own targets. What are we doing to try to ensure that we can achieve them?

Rebecca Pow: Yes, of course, the way the system works at the moment our targets for these electricals are set by the EU but overall, the UK has done pretty well on its targets. It was 45% of the average tonnage of equipment on the market in the previous four years. That was what the target was, so it was a weight-based target. The UK actually achieved 50% in 2017. That was up 14% from 2014 and in 2018 it will be 54%.

I am not entirely sure I agree with your figures. It is very likely to be 77% in 2019 for large appliances. It is the smaller appliances that we will particularly address today. The new target they have set is 65%. This, I have to admit, is a very challenging target and I think we will find that that will be challenging to meet and many of our European counterparts will certainly struggle to meet that. We have in place an entire regime of the way we then transfer the targets over to the UK.



HOUSE OF COMMONS

Shall I go on to explain a bit about that and how we tried to keep people on track with meeting those targets?

Q200 **Chair:** Just before you do, I am intrigued to hear you say you think we are going to be doing better. The figures I have are up to 2019. On collection we were achieving 580,000 tonnes collected of WEEE in 2016 and that has fallen over the subsequent three years to about 490,000 tonnes collected as we see it in 2019.

Rebecca Pow: I have some completely different figures and I think potentially we need to clarify this for you and your team, because it is crucially important. Overall, our collection rates have gone up year by year on the WEEE and we are doing pretty well, which is not to say there is not still a great deal more to do, which is what we will address in this meeting later. One of the discrepancies [*inaudible*]

Q201 **Chair:** Sorry, I have just lost sound. Minister, I am afraid we have suddenly lost your voice.

Rebecca Pow: Apologies. One of the things that I might highlight is, for example, 2018 total WEEE collected was 816,397 tonnes; it is done by weight, and we also have stated that in fact what we know about was 500,000 tonnes. That is because the extra almost 300,000 tonnes is often not actually listed because it is valuable, it is scrap metal, and it is harder for us to keep track of that. We estimate there is about another 300,000 tonnes that are going direct to scrap metal merchants and things.

Overall, our figure states it is about 800,000 tonnes we are collecting and of that 250,000 tonnes are large appliances, 82,000 tonnes are processed and reused, and electricals processed by commercial reusers and IT assessment management companies is 180,000 tonnes. We can write to you to clarify all these figures.

Q202 **Chair:** That would be very helpful because we are looking at very different figures here. I do not know whether Malcolm is able to provide any explanation as to why we might have such a disparity in our figures.

Malcolm Lythgo: The Minister has covered it. We collect the figures from the AATFs and the producer schemes, and we pass them on to DEFRA. We collect them for all of the UK, all four countries and we pass them on to DEFRA. There is this adjustment factor in there for some of the recycling that is easier to recycle. As the Minister said, it tends to be the high metal value products, but it is DEFRA that process the data and turn it into the target comparison.

Q203 **Chair:** If you could just write to us with information you are providing, and we can compare that with what we have been sent from AATF and others that will be helpful.

It is the case—

Rebecca Pow: Chris would just like to add to that, just to clarify.



Chris Preston: You have two elements to the assessment of the amount of collected WEEE in the system. You have one element to it, which is what goes through our kind of producer responsibility regime and then we ask WRAP to make an assessment of stuff that is collected, reused, recycled but does not fall within the system. The directive requires member states to make an assessment of things that fall outside of the producer responsibility regime. Obviously, a lot of these things, as the Minister said earlier, are inherently valuable. They will go off to be recycled, they will go off to be reused but they would not necessarily get captured in the producer responsibility regime as we set it up and as we know it. That could account for the slight differences as well.

Q204 **Chair:** Do we need to look at the way in which we are monitoring this kind of waste so the confusion does not exist or can be resolved? I can understand this is a very complex area that allows different sources of material collected in a host of different ways but is it consistent? Obviously when we come out of the EU—and we will come on to this shortly—we will be able to do things for ourselves but do we have enough grip on what is being produced and collected from different sources?

Rebecca Pow: It is a good point, Chair, but we have set up in this country a system called the producer compliance scheme. The producers are actually funding it. This is all to do with the collection of the waste products but through that obviously we gather good data of exactly what is being circulated in this reflow, as we call it.

From our EU targets, the EU has six big categories of things, but we have itemised that down into an even greater lot of categories. We have 14 different categories. They include things like fridges, toys, large domestic equipment, white goods, ICT, comms equipment, small appliances, toasters, TVs, display equipment. It is broken right down into 14 categories and then we have the producer responsibility, the schemes, so all the people making those things belong to a scheme and in these producer compliance schemes then effectively they are responsible for delivering the targets in those areas. They have to report in their figures about how they are doing towards those targets.

If they are not doing very well that is when they have to pay the compliance fee. They pay a little bit but not so much if they are doing well on their target and have missed it by a bit. If they have missed the target by a lot, they are heavily penalised, and they pay a lot in compliance fee.

All that data is collected, gathered and fed in. That is not to say it might not need improving, particularly if any fraud has taken place and people have not correctly reported what they recycled. We have been cracking down on that since we tweaked the regulations a few years ago. We have done a report, a review, and overall, the view was that fraud, whereby people basically lie about what they have done, that window, that gap has been closed largely now.



HOUSE OF COMMONS

Q205 **Chair:** You refer to the compliance fee and we have had evidence that part of the shortfall in waste collected against target is due to this mechanism of a compliance fee that allows producer compliance schemes to meet target without physically collecting the material. Is the fee set at a higher enough rate to improve collection rates, do you think?

Rebecca Pow: That is a good point. The targets are set short term so that we can tweak them. We could look at whether they should be a bit longer term, that is something we will look at in the review of the regulations that is coming up. I cannot remember what the rest of the question was.

Q206 **Chair:** Are they high enough?

Rebecca Pow: Is it high enough, yes, sorry. The point is that it needs to be high enough in order to make it worth the companies with the producer compliance scheme contracts bothering to collect the raw materials, the TVs, the toasters, and get them recycled rather than saying, "That is too much effort, can't be bothered, it is too much cost, I will just pay the compliance fee because it is lower".

We have to set the compliance fee high enough to be a disincentive. The evidence that I have seen—and I am going to bring Chris in a moment—suggests that is having the effect that it is supposed to have. I mentioned this fraud, this little gap, it was a problem a few years ago when there were just these evidence notes people could write about what they were collecting. We have closed that loophole now.

I will just quickly bring Chris in. It was the intention to make the system work better and, overall, I think it is.

Chris Preston: Yes. The compliance fee is not meant to be an easy option. It is set each year. Ministers approve the methodology for how the compliance fee works and then Ministers can decide at the end of the year whether they are going to allow the use of compliance fee or not. The closer you are to your collection target, the lower your compliance fee will be. It is based on a complicated algorithms but your compliance fee will never be lower than the average cost of collecting that tonnage of that type of WEEE from a local authority household waste recycling centre. There is no financial advantage in producers going for the compliance fee as opposed to actually trying to collect the waste electricals in the first place.

As the Minister said, the further you are away from your target there is an escalated amount, so it becomes even more money. So, it is in the interests of producers to try to collect what they can. Part of the reason why we introduced the compliance fee is some recyclers were hanging on to equipment and then creating high prices for the evidence of recycling. There is a way to make fees for recycling be more reflective of the actual costs, because it is about paying the actual cost rather than throwing the book at the producers. We introduced the compliance fee to remove that



HOUSE OF COMMONS

element of being able to say, “You need this otherwise you are going to fail to hit your targets”. It is not an easy opt out, I would say.

Q207 **Chair:** Thank you for that. Just going back to the collection targets set for this year, why are they lower than last year? How have targets been set for future years?

Rebecca Pow: The Secretary of State can reset and look at the targets each year. Our aim is to be more ambitious as we leave the EU. As you know, our Government have absolutely set ourselves out as environmental leaders with our 25 year environment plan, all our net zero ambitions, our commitment to zero to landfill by 2050. As a result of that we produced our resources of waste strategy and within that the key focus is resource efficiency, reuse, repairing, recycling and ultimately nil to landfill.

Within that we are being more ambitious, not less ambitious with our targets and the Secretary of State can look at those targets every year, but the aim is to increase the—

Q208 **Chair:** Why was the target reduced for this year versus last year?

Rebecca Pow: I would have to be sent the detail of that because that is not something that I am aware of at all. I would need to have the facts and the figures on that because that is certainly not my interpretation of it. Indeed, everything that the producer compliance schemes are doing is to increase their meeting of targets. Obviously, coronavirus will have had a bit of an impact on this latest data—

Q209 **Chair:** I am sorry to press you on this, Minister, I am happy for you to write to us and, again, it may an interpretation of the figures but the figures that we have is that for 2020 the target was reduced and it must have been set before the beginning of the year. I do not think there is a coronavirus impact on this. It has been reduced by 50,000 tonnes for WEEE from 550,000 to 497,000 tonnes in 2020.

Chris Preston: In terms of tonnages, we will always reflect the figures we have for what is placed on the market in previous years as well. We can probably clarify that in terms of how—

Q210 **Chair:** Again, the amount that was collected in 2019 was 495,000 tonnes, the target set for 2020 is 497,000 tonnes. It is not a very ambitious increase. It looks like we have set the target for a level that we know can be achieved rather being more ambitious, as the Minister has said is the policy aim.

Rebecca Pow: We would have to look into that, Chair, because our policy is to increase recycling. Every strategy and policy we have got in place is leading us towards that.

Q211 **Chair:** Okay, I think we have done enough on the figures. If you could write to us and explain it that would be very helpful. It takes us neatly on to what happens from the end of the year once we are out of the



HOUSE OF COMMONS

transition period and the responsibility of EU targets ceases. What work has been done by you and by the Department to look at increasing collection targets or rates beyond those mandated by the EU?

Rebecca Pow: Yes, so I will go back to my previous stats that we have actually come out above some of our targets that the EU set us and we have been doing well, and we hope to increase that. Now we can set up a regime to suit ourselves so that we can carry on in the vein that we mean to in terms of resource efficiency, which is an absolute priority.

We have obviously already recast the EU directive into our WEEE directive, and we have got our WEEE regulations 2013, which we will be reviewing shortly. There are lots of issues in there we would like to have a look at.

We absolutely have all our targets set up for the coming years and we have a whole raft of measures, which are based on this whole issue of reuse, recycling, resource efficiency. One of them is that we will be looking very closely at eco-design of products in the very first place so that when a product is designed resource efficiency—

Q212 **Chair:** We will be coming on to that in a moment. If you have already set collection rates and target rates for recycling it would be very helpful if you could indicate to us in writing afterwards what those targets are so we can see this ambition being achieved.

I have one more question before I hand it over to other colleagues and we are going to talk about consumer impact and consumer awareness. One of the big challenges in recycling is getting the public to recognise that it is worthwhile. In France they have introduced, within the producer compliance scheme, a proportion of their revenue—it is a small proportion but it will still generate quite a significant amount of funding—0.3% of their income, to be allocated to national information campaigns. Is this something that the UK is considering? If not, why not?

Rebecca Pow: Yes, we already do that to a degree because money from that compliance fee pot is then allocated out for a range of projects, a number of which have been focused on this whole communication with consumers issue. It is really important that unless people know what they should be recycling more often than not they chuck it in the bin, and it goes into landfill.

I can give you an example. Over the lockdown I know there were people tidying out their cupboards in the homes, my daughter did just that and I found a box she had accumulated, she was about to chuck it in the black bin but I said, “No, no, no, no” and I went right through it and it was headphones, curling tongs, it was all sorts of gadgetry, it was young people’s gadgetry. Who knows what it was, it all came out of her bedroom. I said, “No, no, no, we can take that down to the recycling centre”.



HOUSE OF COMMONS

But at the moment—and this is something we might come on to discuss—you have to physically drive it down there unless you are in one of the 17 local bodies that does collect it on your doorstep. On the whole they do not. This is one of the big issues that we could go on about, how we could help increase our recycling rates as to where we start the collection from.

Then I had to explain to her there were really valuable materials contained in lots of those products, a lot of them are what we call critical raw materials and have chemicals that we need, we want, they need to be extracted and then lots of these other materials, the plastics could be taken apart, could be reused. So, these consumer comms projects are very important.

A proportion of the money from the compliance fee has already gone on a lot of those schemes and WRAP, who is the charity that does a lot of work with this Department, they have used initially seed corn projects to work up lots of guidance and comms and we have another project that, in fact, would have already started by now, which is called Material Focus, and it should run until 2022. That is all about raising consumer awareness.

You are absolutely right, if people do not know that they should recycle it or where to take it or that they can be recycled or that it is valuable—in the Environment Bill we are going to have a focus on labelling as well because people need to know that they can recycle it and what it contains and where to send it. We have strong legislation coming forward to help that, but we have also already got funding going towards that.

We could look at doing more in this review as well.

Q213 Chair: You have given us a very good anecdote of the challenge of even the Minister for the Environment's own daughter is not aware of the opportunity to recycle e-waste and perhaps she could help you come up with some ideas to make her age group more proactive.

Rebecca Pow: I contacted my comms teams and on the back of that I did some videos over summer—I hope you saw them, Chair—standing in my garden with this box of stuff going, “Please don't chuck this in the bin”.

Q214 Chair: There is a source of funding to promote consumer awareness through these PCS schemes, which is the point we would urge you to—

Rebecca Pow: The good thing about that, of course, is that funding comes from the producers ultimately.

Chair: We are going to move on a similar theme of consumer awareness to Jerome Mayhew.

Q215 Jerome Mayhew: Thank you, Minister. I understand that by the end of this year physical retailers who have a turnover of in excess of £100,000 of electronic sales, which is not actually very much, will have a legal requirement to offer like-for-like e-waste collection. But what is so



HOUSE OF COMMONS

surprising is that online retailers have been given a derogation for a further year after that. What is the reason for that?

Rebecca Pow: You are right about the takeback, which should make a really big difference, because that, again, was one of the little loopholes with it. The whole online issue that we have highlighted, one the big areas that we need to focus on and we are starting to, are these companies—for example, Amazon, eBay—are obviously selling a multitude of products and bearing no responsibility whatsoever for what happens in the disposal at the end of the day. We are aware of this issue and it is a big area we have to tackle. The Department is in consultation with companies and they are running pilot with eBay to see how we can get around it. I think it is focusing on lamps.

Q216 **Jerome Mayhew:** Minister, just before we get on to what we should be doing, can you just explain the reason for the current disparity in regulations between online and physical retail? Why were they not all lumped in together from the get-go?

Rebecca Pow: I will bring Chris in a minute. The difficulty is of course many of these products are made in other parts of the world, but they are not disposed of where they are made, they are disposed of here so it is about where you put the onus. We are trying to make the onus based on the producer but that might be too difficult online so it may have to go on to the platform. It is a new area but is one that we *[inaudible]*—

Chris Preston: It's the physical infrastructure, as well, in terms of taking those goods back. That is why we are exploring and working with the companies *[inaudible]* to see if we can make that system work more effectively. As the Minister says, that is one of the areas we want to address in the consultation next year. It is a big change.

Q217 **Jerome Mayhew:** In our earlier sessions we took evidence from Dixons Carphone who have a like-for-like collection scheme already in place, in fact they go further and they agree to collect any waste from their customers as they deliver new products.

We also heard evidence from Robert ter Kuile, who is the Worldwide Director of Environmental Affairs at Amazon, and he gave particularly unconvincing answers as to why it would be inappropriate to require Amazon to be the e-waste collector for the products that they sell. Even though 50% of what they sell is their own producer and they are only a marketplace for the other 50%.

Given the growth of online sales, which has been accelerated by Covid, shouldn't online companies like Amazon be required to offer a similar service when delivering new electronics to homes? Do you not agree that this is an inevitable direction of travel? If so, why do we not just get ahead of the game and require it now?

Rebecca Pow: It is a very good point, which is what I hope has been trying to outline, it is a big issue, they do need to take responsibility and in our review coming up very shortly this will be one of the main



HOUSE OF COMMONS

considerations that we will bring in and the device about where the responsibility lies for compliance. If it is too difficult for it to lie with companies like Amazon or eBay it will have to go with the platform. But that is something we are consulting on and we have to take all the evidence, the data and the advice and then we will try to work out the best way to tackle it. Clearly it is a growing area.

We already have producer responsibility in this sector but under the Environment Bill we are broadening out our extended producer responsibility. In the future anyone designing or making a product will have to be responsible for its entire lifecycle and where it ends up at the end of the day. That will be a very powerful lever with tackling not just electrical waste but all waste.

Q218 Jerome Mayhew: You bring me very neatly on to the next area, which is about the Environment Bill. As you know intimately, we have six waste streams that are identified specifically within the Environment Bill but local authorities have indicated to us in their evidence that they would be supportive of e-waste being a seventh one of the waste streams for mandatory collection. First of all, why has that been left out and is it too late to add it into the Environment Bill as it progresses through Parliament?

Rebecca Pow: Thanks for that, Jerome, and it is a valid point. The point is that we named those six streams but that opens up the opportunity then to add any number of other streams. We will be consulting on all of these. Inevitably, given that our whole driving force is zero to landfill by 2050, every area will have to be tackled. We do already have a system in place for producer responsibility for these electrical items and it is a matter—I think that is why our review of the regulations is so important—of getting that working even better than it works now, to gather up even more electricals. We do want to have that system in place.

Chris, do you want to come in here?

Chris Preston: I think [*inaudible*]. Different areas can be added by statutory instruments, so you can amend them [*inaudible*] electrical then they could be added.

Q219 Chair: Can I just interrupt for a second? Rebecca, we can hear you very clearly when you are facing forward but not when you are talking to Chris, and, Chris, you were coming in and out of sound then, although you were facing forward all the time. I do not know if you can move a little closer to wherever the microphone is?

Rebecca Pow: I will try to only face forwards.

Chris Preston: I will try and speak very loudly, Chair.

Chair: That is better. We can hear you both clearly. Thank you. Jerome, do you want to come back on that?



HOUSE OF COMMONS

Jerome Mayhew: Thank you, Minister. I have finished my questions, and I will hand back to you.

Chair: Thank you so much. We are going to go on to some questions about low-quality recycling from Duncan Baker.

Q220 **Duncan Baker:** Good morning, Minister. The thrust of my question is: what are the Government doing to recycle critical materials and what is the drive that is required to improve that? What we know is that it is a relatively small amount that we are able to retain. A lot is lost in the process, particularly important base materials. We know that critical raw materials are often important within such industries as national defence. How much of those materials is recycled and how much is imported back into the country?

Rebecca Pow: Thank you for that question. You have touched on a really key point, because so many products contain precious *[inaudible]* a whole raft of materials, and it is vitally important that we extract those. It is something that we are focusing on even more now that we are moving to recycle, repair and reuse, because it means products have to be taken apart, and then we can find their secondary markets.

Q221 **Duncan Baker:** We cannot hear you terribly well, unfortunately.

Jonathan Wright: I am afraid I do not think it is to do with you facing forwards. It was just cutting in and out intermittently even though you were facing forwards then.

Rebecca Pow: Is it the network?

Jonathan Wright: Maybe.

Rebecca Pow: Sometimes, I do not know why, the signal is stronger without a visual.

Q222 **Duncan Baker:** Okay. We got you again then. That was okay just now when you spoke.

Rebecca Pow: Well, shall I press on, and you just shout if—

Q223 **Chair:** Press on. We may ask you to turn the video off, but I think it is better if we can see you, so let us press on.

Rebecca Pow: Extracting these critical raw materials is a key part of the chain. Some of them, of course, are hazardous, so they have to be dealt with in an appropriate manner and in an appropriate way. Interestingly, our first refinery has just opened up for extracting precious metals from electronic waste. This is a growing market. As companies realise *[inaudible]*—

Q224 **Chair:** Minister, I am afraid we have lost your sound completely there. I am going to suggest maybe you could move the laptop closer to you, as a first step to try to get it better? If that fails, we will suspend and see if we can set this up. Is it physically closer to you? That is a bit better.



Rebecca Pow: Right. Is that any better, Philip?

Q225 **Chair:** That looks better, and it sounds a little better. Let us try again. Sorry.

Rebecca Pow: Sorry. My officials have set all this up. Right. Okay. I have repeated myself twice, so I am going to bring Chris in here now.

Chris Preston: I do not know if the Committee are aware, the Department, along with the Welsh Government, Innovate UK, and the Knowledge Transfer Network, commissioned WRAP, along with others, to explore the whole issue of critical raw materials and how to get more of them out of the system. As you know, there is an international and a European level. It is obviously a hot topic: how do you encourage the recycling and the extraction of critical raw materials from all end-of-life products but, in particular, waste electrical? The numbers that are extracted are small and one of the reasons around that is the actual cost of extracting those materials and getting the right kind of new technology. We can extract those materials easily from small electrical equipment. The things that the Minister has talked about, like increasing collection of particularly small electrical waste equipment—which is often the harbourer of these critical raw materials—will be absolutely key if we want to increase the collection of those things. Also, Chair, you mentioned eco-design, which we will move on to later. Obviously, keeping products in use for longer—that was part of the evidence you have already heard from people like the Green Alliance—is just as important as being able to harvest them at the end of their useful life.

Q226 **Duncan Baker:** Thank you. I am glad that more is being done, because it is an absolutely tiny fraction, as we understand. Worldwide the figure is below 1%. Would it be better if the Government tried to improve on that by setting some targets to at least try to improve it—targets often drive a better return—and match that with actual investment also in improving the capacity?

Rebecca Pow: Again, there are a number of areas that we are going to be reviewing. Also, to Chris's point about the chemical components and all that, it is really important. Lots of data is coming out about pollutants called "POPs", because often products are complicated mixes of a whole lot of different chemicals, and we are suddenly discovering that, for example, flame retardant on furniture is now a danger to human health when it is disposed of. We have to have the right processes in place so that we can safely extract those things before you can use the other bits in a product. That is why this piece of research is so important and why from that we can work out how we might be able to set better targets. As companies realise they can use these products more, like the business I have just quoted to you, the new company that has set up to extract precious metals from electronic waste, more of those companies will come into being. Indeed, they are.

Q227 **Duncan Baker:** Would you consider that the waste infrastructure



HOUSE OF COMMONS

delivery programme potentially focuses on the wrong areas? Instead of focusing on energy from waste, its focus should be more so on high-quality recycling, which will then buy benefit in the sense that it will retain those critical raw materials.

Rebecca Pow: You make a really good point. We work with BEIS on this as well, as the business Department. They have launched a call for evidence. The structure is sort of on our eco-design angle as well, in that at the moment products are very much based on efficiency ratings. But if we could have a resource-efficiency rating as well [*inaudible*] that then would start to focus minds on how precious these materials are, how much we should value them, how much longer we should keep them in use, how the products should last longer for those reasons, and all of those issues.

Q228 **Duncan Baker:** Okay. Lastly, to finish off, and it slightly doubles back to where we have been before, we still have to recognise that the lack of certainty from yearly recycling targets prevents a real long-term strategy and a real long-term investment in its capacity. It would be something that would be very helpful to look at. Could you comment briefly at the end on what sort of scope there is to set those targets over a longer period of time?

Rebecca Pow: Clearly, we set targets over a year. The targets drive the action. But in our review, we are very open to looking at whether the targets should not necessarily be set annually, but maybe set on a longer-term basis. The reason they were set annually was so that you could be flexible, and you could react quite quickly. There will be swings and roundabouts as to which is the best for which product.

Chris Preston: I think the Minister has captured it. Sorry, I will just make sure I am on the screen. That is certainly on the list of things that Ministers want us to look at about how can we drive better outcomes. A weight-based target is quite blunt. That is recognised as a thing that needs to be changed. It will drive collection of heavy things as opposed to the more nuanced things that you might want to capture as part of a more circular recycling and waste-collection system.

Rebecca Pow: On that issue of targets, we have not majored on it that much, but it is these small electricals that need to be a big focus of our attention. We know that about 160,000 tonnes of those get binned every year, a bit like the ones my daughter is going to chuck away. Those are the ones that we are really turning our attention to, because more often than not they also contain these critical raw materials.

Duncan Baker: Thank you very much. That is the end of my questions. Thank you.

Chair: Thank you. We are going to move now to some questions on exporting of recycling material from Alex Sobel.

Q229 **Alex Sobel:** Minister, I have a long history of questioning the



HOUSE OF COMMONS

Environment Minister on this Committee about the export of waste, so I am pleased that I am going to continue that tradition by asking you some questions. Obviously, with Philip at the beginning we had some questions about figures. I want to ask you how much electronic waste was exported from the UK last year according to your Department's figures, to see if it matches what we were told by Tim from the Basel Action Network. What figures do you have, Minister?

Rebecca Pow: I will ask Chris if he has the exact figures. I have data on the tonnage that we have stopped being exported, because clearly, we do export some waste. Alex, are we talking about waste exports here?

Q230 **Alex Sobel:** Yes, that is correct. Waste exports.

Rebecca Pow: Yes. I will bring Chris in if he has the figures. Obviously, I am very interested in the fact that we export the right kind of waste and that we are not illegally exporting things we should not be exporting.

Q231 **Alex Sobel:** I will come on to that.

Rebecca Pow: That is my big focus, to stop that. Clearly, we do export a certain amount of waste and, as you know, under the Basel Convention in January we will be buying exports of mixed waste, which I think is a good step forward. As I am sure you are probably going to go on to say, at the moment the way exports take place involves a green list and a red list. Things on the green list do not even have to be notified, and under that goes cardboard, some plastics and paper. Of course, there could be a multitude of sins hidden under there if we are not careful. It is taken on trust at the moment, but it is definitely one of the areas we want to review as to whether all waste should have to be notified before it is exported.

Q232 **Alex Sobel:** I will come on to that. Obviously, Chris is still looking for the figures.

Rebecca Pow: We do have the figures here, yes.

Chris Preston: Yes, I have the figures. I assume you just mean waste electrical equipment, rather than all waste? I definitely do not have that in my head.

Q233 **Alex Sobel:** Waste electrical equipment, yes.

Chris Preston: Malcolm might want to come in on this as well. About 4.2 million tonnes of notified e-waste was exported in 2017, and of that only 2,000 tonnes was waste electrical equipment.

Q234 **Alex Sobel:** 2,000 or 200,000?

Rebecca Pow: 2,000.

Chris Preston: 2,000 tonnes.

Q235 **Alex Sobel:** The Basel Action Network said that it was 209,000. That is a



HOUSE OF COMMONS

big disparity between what they are saying and what you are saying. I think that is something we should certainly explore, why there is such a big disparity between your figures and their figures. That comes on to my second question.

We obviously have different practices in Scotland, Wales, Northern Ireland and England, where in Scotland, Wales and Northern Ireland you cannot export e-waste for reuse and repair. Again, the Basel Action Network and others have found in Ghana, for instance, that e-waste exported for reuse and repair has not been. It has just been dumped and stripped and toxic chemicals have entered the food chain in Ghana and in other African countries. What plans, Minister, do you have to end the use of these arrangements for reuse and repair under export, because they are clearly not helping our aims around a circular economy?

Rebecca Pow: I am going to bring Chris in, because clearly, we do have different regimes. The regimes differ, and it depends where the word “waste” comes in; where you class it as waste. Whereas our figures in England, of course, are not classed as electrical waste until they have been checked again to see whether they are working or not. The Scottish system, as you say, is different. I am going to bring Chris in here.

Chris Preston: I was not quite sure I got the question. Are we talking about things that have been exported illegally and then dumped? Because it is legal to export things—

Q236 **Alex Sobel:** What I am saying is that things that are classified as e-waste for reuse and repair were not reused or repaired when they arrived at their destination. That was clearly abuse of that category, which has now been banned in all the other parts of the UK apart from England. I am saying does the UK Government have plans to also end that practice, that type of waste export, in England?

Chris Preston: The difference between Scotland and England is that the Scottish Environmental Protection Agency requires all electrical equipment that is being shipped abroad to be classed as waste electrical equipment, so it gets registered. In England—Malcolm might want to come in and talk about the Environment Agency’s practice—there is something called the Thorn judgment, which says that until waste is checked you cannot automatically assume it is waste. The Scottish regulators assume that it is waste automatically and therefore are able to track where it goes to.

In terms of shipping things abroad for reuse and recycling, it is entirely allowed as part of the regulations. It is not an illegal thing and nor has that been banned. You do have to make sure that it is actually going to a facility and is being prepared for reuse, which is what the regulations say, and is being recycled. It is wholly unacceptable and illegal to class it as electrical equipment going for resale when in fact it is all broken waste that people are trying to get rid of, to dump on another country.



Malcolm Lythgo: Chris, can I come in? If I could wind back to the tonnages, the 2,000 tonne figure is the waste that is pre-notified, it is what we call the red list waste. You can also export waste electrical equipment under the green list, which is the lower risk category. There is no notification of that so we do not have an accurate figure for how much that is but we do assume that a significant portion of the 500,000 tonnes collected is exported, so it is a bigger number than that. That would explain the disparity between our figures and the Basel figures. I understand its figures were done on a reasonably poor sample size, so that explains the difference. We are not saying only 2,000 tonnes was exported, it is the pre-notified stuff that was exported.

As Chris has already said, there is an amount of electrical equipment that is exported. If it has not been classified as waste yet, because it could be reused, it does not qualify for the waste legislation under exports so it can be exported as a product. That may be exploited by criminals and people may pretend that something is still a product when really it is waste, they are deliberately mis-describing it to get around the law. That is something we do try to focus on. I do not know if that helps with the background discussion on the figures.

Q237 **Alex Sobel:** I would like to follow up on that. This issue of people exporting something for reuse and repair that is effectively not classified as waste and abusing that is a great concern of ours in this inquiry. As the Environment Agency, what was your target number of inspections for exports of electronic waste last year, 2019-20, how many inspections did you undertake and how many of those inspections were in fact unannounced?

Malcolm Lythgo: Are you talking about inspections at port or at the AATFs, the treatment centres?

Alex Sobel: I think both, the AATF sites probably is more important but also at ports to see what was actually leaving the country.

Malcolm Lythgo: In terms of our overall compliance approach last year, we did increase the number of unannounced visits. We did 24 unannounced visits, up from seven the previous year, so we have increased that quite significantly. We also focused much more on the producer schemes as well, to try to get those. We more than doubled our number of audits at producer sites and our audits of the schemes, as well as increasing our number of inspections to the treatment facilities too.

We put in place a national team last year to give this extra focus and to train and upskill a lot of people. Our compliance last year improved significantly, both in terms of the number of visits and audits that we do, and we also put a lot of effort into compliance by looking at data. We get millions of pieces of data and we use that to build an intelligence picture. We target those inspections, not just randomly, to sites where there is an apparent anomaly within the data, we will target them, or if we get



HOUSE OF COMMONS

reports of people suggesting that perhaps somebody's behaving inappropriately.

In terms of our export stuff, we do not set a number of targets in terms of our port inspections, which is our enforcement activity. That is very much intelligence based. That is based on what we see in terms of the flows of things like WEEE and other wastes, and the evidence that we are getting from the shipping companies, and we work very closely with HMRC and the ports authorities. We collect all that evidence together and we make targeted inspections where we think we have good evidence that there is illegal activity happening.

Within that, last year we stopped and prevented over 22,000 tonnes of waste being illegally exported. Of that, only 1,765 tonnes were WEEE. Therefore, the general proportion of illegal activity that we are finding at ports is a relatively small proportion of WEEE. That is also backed up by the repatriation requests that we get when something has been illegally exported and an overseas authority asks us to bring it back. Again, it is a relatively low proportion, in the order of 10% to 15%, which is waste electrical.

Q238 Alex Sobel: My final question, Malcolm. Do you feel you have enough resources for the inspection and enforcement regime in that area?

Malcolm Lythgo: Like any enforcement authority we would always like more resource, we could always do more with more resource. Our approach to all of our regulation, compliance and enforcement is to do what I have said: understand all the intelligence that we can, look at our data, very, very carefully, collect intelligence from other people and make sure that we are targeting our activity based on the highest risk. That is what we do and is how we target our resource, we are very careful about that.

Rebecca Pow: Alex, can I add a little bit to that for information? International waste treatment is an area where we do want to make sure we are doing it the best we can and to improve monitoring. In the Environment Bill one of the measures we will be introducing is for electronic waste tracking, which we think will help. Malcolm referred to the new team he set up, the intelligence they gather and the way they track the data. That is a measure that we need to help, particularly with this illegal export. Better compliance hopefully will stem from having that in place.

Alex Sobel: I did suggest to Philip when he was elected Chair that we should go to Ghana to check on this, but obviously events have overtaken us, and it is not possible at this time. We would report anything back to Malcolm.

Chair: Well done, but only six of us could go. Thank you very much indeed. That is a nice segue into some further questions on enforcement from Barry Gardiner.



Q239 **Barry Gardiner:** Minister, you talked about how you were going to introduce tracking facilities in the Environment Bill, which is an excellent idea. In fact, you may be aware that the Basel Action Network did put trackers on e-waste in a number of different countries. Its report found that the UK is the worst offender in Europe for illegal waste exports to developing countries. I am delighted to hear what you have proposed, its experiment in tracking waste shows that it is much needed. It does call into question the figures that Chris was putting to us about how much illegal waste is ending up abroad and, in particular, using what the Network has identified as this "Repairables Loophole".

Do you know the one about the chicken, the egg and the e-waste, Minister?

Rebecca Pow: You are going to tell me.

Barry Gardiner: Yes, it is not much of a joke, I have to say. There are some of the highest levels of brominated dioxins ever recorded in the world at the dumpsite in Ghana where so much of the European electronic waste ends up and where it is burned. They tested the chicken eggs in the slum there, where the workers are living among these chickens, eating the meat and the eggs. Every day they are poisoning themselves not only from what they breathe but from what they eat as well. That was the Basel Action Network's report into this. I think it does show how important it is—following up what Alex was saying—that we align ourselves with the rest of the UK, we do not allow this "Repairables Loophole" to persist and we do take the action that you have said will be forthcoming in the Environment Bill about tracking our waste and seeing where it ends up.

Rebecca Pow: On that, Barry, we covered all of that just now with what we are doing. We will be consulting on looking at improving monitoring of our international waste shipments, I have said that. I think I also said earlier about this slight anomaly between the green list and the red list. Potentially when we consult, we will consult on whether all waste should be notified. It could be that will be easier with our data tracking, and with the new monitoring that the Environment Agency has in place with all the other agencies that quite clearly is already having results. This is the direction we need to go in and we need it to work. We do not want to be exporting hazardous waste and causing problems. This Government are absolutely committed to the environment, improving it and making it better for future generations. Our Resources and Waste Strategy completely and utterly backs up what I am saying.

Q240 **Barry Gardiner:** Minister, I accept you want to do the right thing and I accept that you said it is going to be in the Environment Bill. I am pointing out that it is much needed. When Chris was talking about the court judgment, we should not be hiding behind a court judgment in getting this right. You have clearly set the direction, which is the direction I want us to take.

Malcolm, in the written evidence from Veolia it is claimed that poor



recycling is the result of poor enforcement and poor understanding of the regulations by the Environment Agency. It said this has allowed producer compliance schemes to direct waste to and purchase certificates from facilities that are not following the regulations in order to cut their costs. The EA has received criticism also from the AATF Forum, which said while you have effective accreditation processes your on the ground enforcement is not effective. It says in 2018 you audited less than half of the facilities and that unscrupulous operators, who are good at filling out forms, are taking advantage of this.

You gave some figures to Alex earlier about the audits you had done, the inspection regime you had done. Can you say what percentage of approved e-waste treatment facilities the EA audited in the last year?

Malcolm Lythgo: I am not sure I have the percentage, I don't have the total AATFs to hand. I would like to reiterate the point I made earlier, we have increased our number of audits and inspections.

Q241 **Barry Gardiner:** It definitely was very low, was it not, in the previous year?

Malcolm Lythgo: The point being I listened to Phil Conran's evidence, and one of the things that Phil was saying was that turning up and doing an inspection without the background information and the intelligence and being able to dig under the surface was not that useful. Therefore, again, what we have done is we have targeted those inspections. Rather than spend all of our time visiting sites, we collect the data, we look at those sites and we get under the skin of the data. We have done much, much more of that over the last year with this national team, so when we go, we are not just doing a brief inspection and being shown—as Phil said—what they want us to see. We are getting under the skin of it and we are going with some really difficult questions and getting them to explain what is happening. That is the focus for compliance. We will continue to do that.

That team has been in place for less than a year. We are getting people better trained all the time. It has been a difficult last few months for us, some of that training and our onsite stuff has certainly ebbed over the last few months. However, that is our focus, to spend more time doing that compliance effort. It is not as simple as the number of visits.

Q242 **Barry Gardiner:** Malcolm, I entirely agree, it is not just about the visits. I think in your chief executive's speech recently to the City—where he was talking in praise of red tape—he made it very clear it was not about process, it was about results. Perhaps you can say, in terms of the results this year, how many prosecutions you have had this year compared with, say, the number five years ago or 10 years ago?

Malcolm Lythgo: The numbers of prosecutions for the WEEE sector is pretty low. The outcome that we are trying to achieve through our compliance is bringing sites into compliance. If you end up having to



HOUSE OF COMMONS

prosecute somebody you have almost failed, it is not the outcome you are trying to achieve. The outcome you are trying to achieve—

Q243 **Barry Gardiner:** To uncover the fact that somebody is trying to abuse the system, yes.

Malcolm Lythgo: Absolutely. If we do uncover it the first step is to bring people back into compliance. We have done quite a lot of that. As well as enforcement we have removed one of the approved AATFs from the list, so they are now no longer approved, they are no longer able to operate within the scheme.

It is not as simple as the number of prosecutions. I can pull some data together on some of our interventions for you, I do not have that across the board. I could share that with you afterwards. We do have some examples in the last year, as I say, when we have gone through registrations with people, we have checked their data and we have removed their registrations.

I have managed to find the table. Our inspection rate, our audit rate, is just over 10% of the AATFs last year. That, as I say, will be very much based on risk posed.

Q244 **Barry Gardiner:** How would that compare again with, say, five years ago or 10 years ago in terms of the percentage?

Malcolm Lythgo: I can certainly say that five years ago it would have been a lot lower than that. In the last couple of years, we have increased our compliance effort across all of our producer responsibility schemes. If you look at waste electrical operations, they tend to be lower risk than some of the other waste streams, things like landfills and incinerators. We tend to focus our effort on those with the bigger environmental outcome.

Creating this national team has meant we have kept some of the resource and the focus, so we have increased. Again, I can dig back further and get you figures from earlier years, but I am pretty sure it will have increased quite significantly.

Q245 **Barry Gardiner:** That will be really helpful, if you could write to the Committee with the figures for, say, 2014-15 and 2009-10. That would give us a very good comparison over the last decade, thank you.

Minister, could you outline for us the budget available to the EA to do its inspections and enforcement regime once you have taken out the funding for flood defences?

Rebecca Pow: Sorry, flood defences, can you just expand on that? I am a bit lost.

Barry Gardiner: If you take out the budget for flood defences, which is a huge element, could you outline the budget that is available to the Environment Agency for its enforcement and inspection regime?



Rebecca Pow: I think I would have to get back to you in writing, Barry, with the actual funding. I think we give them towards their new team, is it [*inaudible*] the export team. I will have to get back to you with the exact details of that in writing, Barry, because I think we—

Q246 **Barry Gardiner:** It would be good if you could confirm if they correspond to the ones we have been given. We have been told—I think I am correct in saying—that in 2019 it was about £52 million. When you came into Parliament in 2015 the 2014-15 figure was about £130 million. In 2009-10 it was about £170 million. Really the question to you is do you feel that the EA has the funding it needs to carry out its enforcement regime?

Rebecca Pow: I would need to check back over all those figures. Certainly, we can clarify and get back to you with some.

The whole point about the EA is, as I think Malcolm has outlined very clearly, that it is upping its tracking and its compliance. It is very much now about smart working. It is not just about pots of money for people to turn up at the site, it is about this joined-up thinking. This new team, in particular, is working well. Clearly it is quite new and there will be more to do, but that is the direction of travel. That is why our waste tracking will be so important, why even tighter compliance will be required and sites monitored, and why it all has to work up as a joined-up system.

I am going to bring Chris in here, just on that point.

Chris Preston: All I was going to say is the balance of EA funding will have changed over that time as well; the balance of what is paid for through grant-in-aid, which is the direct grant from Government, compared to compliance fees that the Agency will raise from regulated industries.

Q247 **Barry Gardiner:** Are you speaking of the grant-in-aid funding, not of the compliance fees?

Chris Preston: Yes.

Q248 **Barry Gardiner:** I wanted to get at what was the budget available to it prior to the compliance fees, but the point is well taken.

Malcolm Lythgo: To clarify, we do get £2.4 million through the compliance scheme. That is the money that we put into our compliance assessments, our onsite audits and, as I have said, the data checks that we do for the producer schemes, ATFs and others. That is charge money that comes from the producer scheme.

The money that we get from Government is purely about the enforcement side of things, it is not the assessing compliance or driving compliance, it is when we get beyond that into assessing illegality.

Q249 **Barry Gardiner:** Yes, indeed, absolutely. That is coming back to the information that you said you would provide us with, why the prosecutions and the enforcement here are really so critical. We look



forward to that.

Rebecca Pow: Barry, on that compliance point—which is a good point that Malcolm makes—that money was used to do things like check back producer compliance groups that have not re-registered, having registered the previous year. It is all about looking at data, working out whether there are some anomalies there or whether someone was getting away with something they should not get away with. That money has been very well spent because they had some very good results on that—we can send those to you—in spotting people who potentially are trying to find loopholes and are doing what they should not be doing. That is what that particular pot of money is used for.

Q250 **Barry Gardiner:** Minister, one final question. You know of the ESAP, the Electrical and Electronic Equipment Sustainability Action Plan, where the charity WRAP was engaging with about 80 businesses to do some of the things that you were talking about earlier, looking at product durability, how they could better use resources and make a more durable product. That work is no longer going on because the funding for it was cut. Can you outline why the Government stopped funding that work, given that you have set out that it was geared to doing some of the things that you wanted? I know the producers themselves were unwilling to take on the scheme because of their international reach, they felt it did not comply with a national focus like this. However, nationally surely that was one of the things that would have been really good for us to be assisting the industry with and to have continued, and probably at very little cost I would have thought.

Rebecca Pow: To be clear, you are mentioning the Electrical and Electronic Equipment Sustainability Action Plan?

Barry Gardiner: That is what I said, absolutely.

Rebecca Pow: Yes, I thought you might mention that. As you say, it was a voluntary agreement involving a whole lot of organisations and businesses across this electrical and electronic supply chain. Something like over 80 businesses worked with WRAP on that with funding from Government initially. Sadly, it was not possible to agree targets for a voluntary agreement with industry partners from what was a very, very diverse sector and it did not prove possible to move to a model that was partially funded by business. Although the programme has been suspended WRAP continues to work on individual products with industry partners, for instance around minimising product returns. As I think explained in the beginning, the compliance fee is being used to fund a lot of that work about sustainability, messaging and all of that kind of thing. Therefore, we feel a lot of that has already been taken up. The WRAP work is, of course, not wasted at all, that kick-started everything and all its guidance is still there for everyone to see.

It was felt it just was not workable, Barry, which is why it was not continued but it has been picked up in many other parts.



HOUSE OF COMMONS

Chair: Thank you, we are going to have to move on to our next set of questions with Feryal Clark on durability.

Q251 **Feryal Clark:** Thank you, Minister, for your time today. The Government have pledged to exceed the EU ambition on protecting the environment, but we have heard that that the eco-design standards at EU level go further than anything currently planned here. This is not just us saying it but based on the January 2020 report by DEFRA it shows there are no separate preparing for reuse targets or obligations to work with UK reuse organisations, for example. We do not fare very well in comparison to most of our EU counterparts. Do the Government intend to match or exceed those standards, or at least meet some of those similar standards in Europe?

Rebecca Pow: I think you are referring to the European Eco-design for Energy-Related Products Regulations, which are from 2010. They are retained in UK law. They set requirements for, as you say, durability, repairability, recyclability or [*inaudible*]. That is one of our main focuses through the Resources and Waste Strategy and through measures we are bringing forward even in the Environment Bill, about the fact that we are moving towards what is called a circular economy with our products so they have to last longer, be repairable, be reusable, all of that. We are putting a great deal of work into this area because it is absolutely crucial in order to achieve the targets that we are setting for the future and to get to our eventual zero to landfill by 2050, which will include everything. We released something called the November package of measures in 2018, which was to move towards these measures.

We are going to be using powers in the eco-design regulations to focus on exactly all the things we are talking about. I am not quite sure why you are levelling this at us because I feel we are absolutely moving in the direction of eco-design and a circular economy; where every producer ultimately is responsible when they think about creating a product for working out where it is going to end up in the end, that is not going to waste or as little of it going to waste as possible, and having to consider whether it can be reused, repaired, recycled, broken apart, the bits taken out and sold on. All of that is now in the pipeline. That also will link very closely with this BEIS call for evidence on eco-design policy, which I mentioned earlier. At the moment consumers are used to seeing a little code that tells you about energy efficiency, we very much need now to look at having one for resource efficiency as well. Chris might want to add something to that.

Q252 **Feryal Clark:** Minister, this is not just me saying it, this is the report DEFRA commissioned Eunomia to deliver about comparing the approaches of different EU countries. This report says, for example, on minimum requirements for availability of parts there are no such requirements in the UK. There is a table with lots of red. It is not me saying it, it is the report that DEFRA commissioned that is saying it.

To follow up, the EU is following France's lead in banning companies from



HOUSE OF COMMONS

intentionally designing products with premature obsolescence. Will the UK follow suit?

Rebecca Pow: This plan to reduce obsolescence is obviously *[inaudible]* that will be all part and parcel of the *[inaudible]*. It is absolutely essential that we can have products designed so that we can dismantle them, take out the bits—as I said just now—and take out the bits easily with tools that are at hand, not some sophisticated gadget that you need to get hold of and spare parts have to be available. All of these things are areas that will be coming in *[inaudible]*—

Q253 **Chair:** I am afraid, Minister, we are losing you.

Chris Preston: Can you hear us? In terms of reparability and design, the Minister has already mentioned there will be a consultation from BEIS later this year, which will cover equipment like refrigerators, electronic displays and dishwashers, subject to public consultation later in 2020. So, it is not the right interpretation to say that we are not looking at how you make things more repairable, recyclable and reusable, particularly in the electronic equipment space.

Q254 **Feryal Clark:** As I said, Chris, it is not me saying it, is the report that DEFRA commissioned itself. It had Eunomia deliver the report. It is in that report, I am not making this up.

Chris Preston: To challenge on that, the report is looking at what is not there rather than—this is about options, a commissioned piece of work to look at options for the future. It is a piece of research for that, isn't it?

Q255 **Feryal Clark:** The report compares the UK to other European countries and sets out what is not there, you are right. It has what we do not do, and that is why I was asking whether we were going to try to match some of the things the EU is already doing.

Chris Preston: Bear in mind DEFRA was the one that commissioned that research for us, so we are asking the questions about it on the back of what Ministers want to achieve. I wanted to clarify that.

Q256 **Feryal Clark:** Yes, and the report says what we are not doing. I am not being unfair, it is just your report says what we are not doing and that is what I am putting back to you.

To move on, other countries are requiring companies to add labels to their products to highlight the product durability and lifespan. Would the UK Government consider doing so in this country?

Rebecca Pow: I mentioned earlier there is a strong section in the Environment Bill on labelling and exactly that, because it is so important that consumers in particular know what is in a product, how long they can expect it to last, whether it is repairable or reusable and all of those things. We have the tools and the levers in place for all of these things, and labelling is absolutely crucial.

Q257 **Feryal Clark:** Finally, Minister, would you support a mandatory warranty



HOUSE OF COMMONS

on products to drive innovation and durability and prevent products with unduly short lifetimes from coming to the market?

Rebecca Pow: You raise very good points, which we have been talking about here. This will definitely be one of the things we are consulting on, because quite clearly a product offering a longer warranty is going to be more attractive to a consumer.

I was telling my team over the summer my washing machine broke down. A chap came out. He was able to come down even in lockdown because it was considered essential if your washing machine breaks down. I asked if he could repair it. He said, "Oh, no, you might as well buy a new one because the repair cost is so close to a new one". Then he said, "You could buy a reconditioned one" from him, the same man. I said, "Do I want to do that?" It was much cheaper than the repair and there was a very long warranty on it. That was the thing that decided me that I might as well do it. So, you are absolutely right that is something we should look at.

There are a whole raft of measures. I mentioned about making products easier to dismantle and all of those things, but warranties and things like that, and labelling around it all are all things we will be considering in the review of the regulations.

Chris Preston: It is one of the things in the Resources and Waste Strategy as well, that we could look at warranties, extended warranties. That is one of the areas.

Rebecca Pow: On the back of that we have not mentioned product passports, but this is all the kind of information that could go into a product passport.

Q258 **Feryal Clark:** Thank you very much, Minister, for that. Are you saying that you will be looking to include a mandatory warranty on products in the consultation that you are planning? That is my final question, Chair.

Rebecca Pow: Yes, it will be one of the measures, one of the areas where we will go out to businesses and everyone to consult on whether this would be considered a way of helping with this whole issue of making products last longer.

Chris Preston: You already have consumer protection legislation that guarantees that products sold are fit for purpose and they last for the purpose for which they are intended, so it would go beyond thinking about how that might operate.

Chair: We now have some questions on eco-design and repairability from Claudia Webbe.

Q259 **Claudia Webbe:** Of course these continue the questions on eco-design and follow on from my colleague Feryal Clark. The issue that I want to continue on that line of questioning is in relation to the difficulties that



you, Minister, have highlighted around the barriers to repair. In fact, you have given us some examples of your own experience. However, some of the largest barriers to repair are limited access to spare parts and repair manuals. What is the Government doing to support the repair economy? I guess you have to recognise the companies' concerns over intellectual property, but essentially, we have to remove these barriers. What are the Government going to be doing?

Rebecca Pow: Yes, you have touched on another of the measures that we will be consulting on in our review because that is an important point in this whole issue of having manuals and then guidance on how a product can be repaired by another company, for example. We will be consulting on that and whether spare parts are available. Too often, like with your washing machine or whatever it is, you will be told, "It's not worth repairing it" or, "I can't get hold of the part", or the part is not available for long enough. Potentially one of the things we might consult on is whether—this is called firmware for electronic displays—potentially that should be available for up to eight years from the beginning of when a product comes on the market so that it is not just a throwaway product that only lasts for a very short life. We want to look at all of those things in our new review, always with the focus of making products last longer as well as being repairable and recyclable.

Q260 **Claudia Webbe:** Thank you. It obviously is important that we address some of the monopolistic practices of some companies as well. That takes me also to the issue of the monopolistic practices of tech companies like Apple, which make their products difficult to repair. As you said in your example in relation to the washing machine, the issue of companies like Apple making it difficult for their products to be repaired is that in effect you have to then buy a new product because the cost of repair becomes difficult. Products are often designed in a way that makes their repair difficult. Apple solders hard drives into new laptops. Will you legislate to prevent this?

Rebecca Pow: I am not going to comment on an individual company like that.

Q261 **Claudia Webbe:** On the general point about companies making it difficult to carry out repairs?

Rebecca Pow: All of these issues will be part of our review because quite clearly they are all things that need to be considered if we are trying to reduce what has been termed "planned obsolescence", which does seem quite ridiculous. If we are trying to reduce the amount of electronic waste that ends up going to landfill—which we are, we are trying to end it altogether—we have to make sure that products quite clearly last longer, are repairable and are not just ditched after a couple of years or that someone else cannot repair them. All of these things. You have touched on an important area.



It is also an area that is incredibly frustrating to consumers. A survey was done that demonstrated that at least three-quarters of people want to do the right thing. They do not want to chuck stuff away and find that it cannot be repaired. If you talk to older generations like my parents, of course, they all remember when everything was repaired. We do have to get back to that mind-set. It touches on everything. It touches on the measures we are putting through in Government. The Resources and Waste Strategy, the measures in the Environment Bill, the eco-design measures and our consultation will address all of these issues that you and others today have been touching on.

Q262 **Claudia Webbe:** Yes. You have highlighted yet again that the public are supportive of designs that enable people to repair things rather than have to resort to purchasing a new product. Equally you have highlighted from your own example how these things are designed to make it difficult to repair. These are practices that are deliberately being made by companies that produce these products where they deliberately design out the repairability, the easy repairability, of their products, therefore forcing people to have to purchase a new product. The only way that can change is if we legislate to prevent it. I want to ask again will you be willing to legislate to prevent it?

Rebecca Pow: My answer to that—and I will bring Chris in in a minute—is that the raft of measures that we are introducing should lead to preventing it, particularly what is called the extended producer responsibility, which I explained earlier. That is that every person making a product will be responsible for where that product ends up and they will have to not let it end up going to landfill, ultimately. They will have to think about how it can be repaired, broken down, reused and all of those aspects. All of our levers that we are putting in place are leading to that final result.

Chris Preston: To be clear on what the Minister was saying earlier, the Government have already committed to consult on a starting range of eco-design requirements, some of which include the things that the Minister was talking about. Firmware needs to be updated. How frustrating is it when you have a piece of electronic equipment and the seller says, “We don’t support that any more”? Then you are stuck with things that slowly become more and more out of date. Small things like that—requiring updates on firmware, requiring updates on availability of spare parts—they are all things that Government—

Q263 **Claudia Webbe:** We are talking about design and deliberate designing in of products, so they are not repairable. I will move on to the next question. Products in France will be labelled with a repairability score that is calculated based on access to spare parts, the repair manual and dismantlability of products, among other things. Could the UK do the same?

Rebecca Pow: It is another of the examples that we have been talking about today, along with the resource efficiency logo labelling. It is very



HOUSE OF COMMONS

much linked to that. All of these measures that we are talking about are all things that we will be consulting on.

Chris Preston: Yes.

Q264 **Claudia Webbe:** Was that a yes?

Rebecca Pow: We have to consult first with business and industry, but they are all leading in that direction. I just hope that my overall message is the whole thing is about shifting all products to make them repairable, recyclable, more durable and more resource efficient. There will ultimately be a resource efficiency label that will be pointing to all of these things.

Q265 **Claudia Webbe:** I will move on to the next question. In the sense that many countries and states in the US are considering enshrining a right to repair in law, what consideration have the Government given to establishing a right of repair for consumers?

Rebecca Pow: It still touches on everything that I have just—I feel like I am repeating myself like an old, recycled, stuck LP.

Claudia Webbe: I would not have said old.

Rebecca Pow: The right to repair will be part of it. That was very flattering, thank you very much. I have just dusted off all my LPs. It is all part and parcel of exactly what we are talking about. Repairability is one of the other areas that we are consulting on. Quite clearly, with our commitment in our Resources and Waste Strategy, it is all about repairability, recyclability and durability. That is obviously a key element that will be discussed and factored into eco-design in the future to drive us towards a circular economy.

Q266 **Claudia Webbe:** My final question, Minister. We have heard that producer compliance schemes are incentivised to recycle rather than reuse or repair electronics. Will the UK set targets for the reuse of products and incentivise producer compliance schemes to prioritise reuse over recycling?

Rebecca Pow: I am going to bring Chris in in a minute, but that is an interesting point. Reuse is clearly very important but so too is recycling, that is disassembling and taking out products from within a product to reuse them. They are almost part and parcel of the same thing, I would say.

Chris Preston: Technically at the moment it is a preparing for reuse and recycling target but obviously the emphasis generally tends to go on to the recycling bit and levels of reuse are quite low. It would be fair to say there are probably quite high levels of reuse because people sell things on into secondary markets that we never see, on eBay and things like that. But within the WEEE, the waste electrical producer responsibility regime, reuse is low and that is certainly something that Ministers want us to look at, about how we can increase reuse.



HOUSE OF COMMONS

Part of the issue is about what happens when stuff gets taken to, say, a household waste recycling centre. If all that stuff that could be reused is stored in the open air, it is getting rained on and ruined, it is harder to reuse, so it is quite a big thing to think about how we can make it easier to prepare for reuse and to reuse that equipment.

Rebecca Pow: There is also a safety element to this as well. That is very significant where electrical equipment is concerned.

Q267 **Claudia Webbe:** I suppose we have some slightly different understandings of the waste hierarchy. We start from the basis that it is better to reuse than it is to recycle. At the moment we are driven to recycle with less emphasis put on reuse. Therefore, probably your response is not in tune with where we are at because we are not on the same page in our understanding about the waste hierarchy.

Rebecca Pow: No, I am going to correct you there. We are on completely the same page because it is written into our Resources and Waste Strategy. It is reuse, repair, recycle, the three Rs—reuse first, then repair, then recycle. That is—

Q268 **Claudia Webbe:** It is just that in your response to me, Minister, you said that reuse and recycle were more or less one and the same. We have to understand that it is not more or less one and the same, that we do need to look at how we incentivise reuse over recycling. Would the Minister undertake to perhaps go away and relook at that question, at that point, and come back to us with whether that is possible?

Rebecca Pow: I think you are slightly misinterpreting my words. Quite clearly reuse, repair, recycle is the mantra of the Resources and Waste Strategy and quite clearly that is the relationship in the waste hierarchy. It all is linked to durability, repairability, recyclability. Even though they go in order in the waste hierarchy, of course they are also inextricably interlinked.

Q269 **Chair:** Thank you, Claudia. We are going to have to move on because we are already out of time. You have made your point clearly.

I have one small set of questions finally, Minister, in relation to the extended producer responsibility. The previous Government pledged to consult by the end of this year on introducing the EPR for electronic and electrical equipment. Are you on track to complete that by the end of the year, the consultation?

Rebecca Pow: The coronavirus pandemic has slightly slowed down our timetable, so we will be moving it to the beginning of next year, but it is on track in terms of the work going on on it. Clearly it is important but because of the rather unforeseen circumstances it is slightly delayed launching it.

Q270 **Chair:** When do you expect it to conclude? Have you set a timetable for it, if it starts in the beginning of the new year? Is it a 12-week



consultation?

Rebecca Pow: It will be launched early next year.

Q271 **Chair:** Are you intending to design an EPR scheme for electronics in order to pick up on some of the issues that we have just been talking about, on eco-design and reduction of waste? Some of the evidence that we received suggested that it is quite a cumbersome mechanism to drive this behaviour.

Rebecca Pow: Yes. I did not say at the beginning, Philip, and I am going to say it now. We welcome this inquiry that you are doing, we really do, and we will be very interested in all of your feedback that you have received. I don't know when you are going to come up with your recommendations, because they could help inform our consultation.

Q272 **Chair:** I am very pleased to hear that, because we certainly intend to publish before the end of the year, I would expect either next month or the beginning of the following month, so you will certainly have time to take it into account if your consultation is next year.

Rebecca Pow: Because a great many of the things we have been talking about today clearly touch on all the things that we are aware of, either working on, bringing forward measures or need further work, so we would welcome some of your findings.

Q273 **Chair:** One of the findings, which may be slightly less welcome, is concern from manufacturers that a plethora of different standards across either the UK or across Europe make it harder for OEMs to comply. Do you have any intention, based on what you have just said, to consult and design policies in discussion with what will by then have become our former EU partners, and the devolved Administrations?

Rebecca Pow: Quite clearly, we will be consulting with business and all partners in producer compliance schemes right across the board. We would welcome views like that because what we need to do is make products that are going to do all these things that we say, to end up with the circular economy that is what we are all driving towards.

Chris Preston: We will still retain links and reach out to international partners as well and we will also have opportunities to look for wider international best practice that we can fold into the way we design things here in the UK.

Rebecca Pow: Also, of course, links with the DAs will be very important as well.

Chair: That is obviously a helpful starting point, the DAs, but wider international co-operation will help drive better behaviour, as these companies are essentially global businesses.

Very good. Minister, I am very grateful to you. We have taken you a bit beyond your allotted time. Thank you to you and your colleagues, Chris



HOUSE OF COMMONS

and Malcolm, for joining us today. Thank you, members of the Committee, for your participation, and to our Clerks, and particularly Andrew Bax, who helped us prepare for this session.

This is the final oral session of this inquiry and we look forward to concluding a report in fairly short order so that we can get something out to inform the work of the Department and your consultation on this vital area. We appreciate your interest in the work we are doing. Thank you all very much indeed.