

A Guide to the Waste Electrical and Electronic Equipment Regulations 2013

Business Information Factsheet
BIF472 · January 2016

Introduction

The Waste Electrical and Electronic Equipment Regulations 2013 (the WEEE Regulations) implement the main provisions of Directive 2012/19/EU on WEEE (the WEEE Directive) and revoke the Waste Electrical and Electronic Equipment Regulations 2006. The WEEE Regulations place responsibilities on producers, distributors and users of electrical and electronic equipment (EEE).

This factsheet explains what the WEEE Regulations cover, who they apply to and what obligations they impose on firms. It also provides hints and tips and sources of further information.

What types of EEE do the Regulations cover?

EEE is only subject to the WEEE Regulations if it is powered by electricity (including batteries) or generates electricity, and is designed to be used with a voltage of up to 1,000 volts for alternating current (AC) or up to 1,500 volts for direct current (DC).

Between January 2014 and January 2019, which is a transitional period, the Regulations apply to any kind of EEE which is listed in Schedule 1 of the Regulations. More detailed examples of what constitutes EEE are located in Schedule 2 of the Regulations, where an indicative list can be found. Items covered include refrigerators, laptops, drills and saws, and vending machines. Consumables used in EEE, such as printer cartridges, or spare parts that are used to repair equipment, are not covered.

The requirements of the Regulations vary depending upon which category of EEE a product is classified under, and whether the WEEE in question is from a private household.

Schedule 1 of the Regulations lists ten categories of EEE. However, in the UK, EEE has been divided into 14 categories during the transitional period. These transitional arrangements will be in place until January 2019 when the categories will be amended.

The list of categories is as follows:

- Large household appliances (for example, refrigerators and washing machines).
- Small household appliances (for example, vacuum cleaners and toasters).
- IT and telecommunications equipment (for example, desktop computers, laptops, fax machines and telephones).
- Consumer equipment (for example, televisions and radios).

- Lighting equipment (for example, fluorescent lamps, but excluding filament bulbs and household light fittings).
- Electrical and electronic tools (for example, drills and saws, but excluding large-scale stationary industrial tools).
- Toys, leisure and sports equipment (for example, hand-held video games and slot machines).
- Medical devices (for example, radiotherapy and dialysis equipment, but excluding implanted and infected products).
- Monitoring and control equipment (for example, smoke detectors and thermostats).
- Automatic dispensers (for example, vending machines or ATMs).
- Display equipment and screens.
- Cooling appliances containing refrigerants.
- Gas discharge lamps and LED light sources (for example, non-household lamps and any LED light sources).
- Photovoltaic panels (for example, solar panels, solar panel systems and batteries).

Following this transitional period, from 1st January 2019, EEE will be arranged under six categories in the WEEE Regulations:

- Temperature-exchange equipment (for example, refrigerators, freezers and heat pumps).
- Screens, monitors and equipment containing screens having a surface area greater than 100cm² (for example, televisions, LCD photo frames and laptops).
- Lamps (for example, straight fluorescent lamps, low-pressure sodium lamps and LED lights).
- Large equipment (for example, household appliances, washing machines, consumer equipment such as large printing machines and large medical devices).
- Small equipment (for example, household appliances such as vacuum cleaners, and consumer equipment such as electric shavers and small medical devices).
- Small IT and telecommunication equipment (for example, mobile phones, personal computers and routers).

Who do the Regulations apply to and what obligations do they impose?

The WEEE Regulations apply to and place duties on producers, distributors and users of EEE. Broadly speaking, the duties imposed by the Regulations are registering, reporting and product marking, and providing return services. However, the obligations imposed by the WEEE Regulations will vary according to whether an organisation is considered to be a producer, a distributor or a user of EEE.

What obligations do the Regulations impose on producers?

An organisation is classed as a producer if it manufactures (and sells under its own brand), imports or rebrands EEE. The WEEE Regulations require producers to ensure that their products are ultimately disposed of in an environmentally friendly manner, and include recovery, treatment, reuse and recycling of EEE.

Producers must mark all EEE with a crossed-out wheeled bin symbol, signifying that the product should be separated from general waste. The symbol must be clearly visible and permanent and must be on the product itself rather than the packaging, except where the product is too small or its function would be impaired. Products must also be marked in a way that clearly identifies the producer, for example with a brand name. They must have a date mark showing the product was manufactured after 13th August 2005.

All producers also have a duty to keep records, dating back at least four years, of the amount of EEE that they have placed on the UK market in each category.

An organisation will be classed as a large producer if it produces and places more than five tonnes of EEE on the UK market in a year.

An organisation will be classified as a small producer if it produces and places five tonnes or less of EEE on the UK market in a year.

Large producers

Producers who expect to produce and place more than five tonnes of EEE on the UK market annually must join an approved Producer Compliance Scheme (PCS), which registers producers with the relevant national regulator:

- The Environment Agency (www.gov.uk/government/organisations/environment-agency) in England.
- Natural Resources Wales (www.naturalresources.wales/?lang=en) in Wales.
- The Scottish Environment Protection Agency (SEPA, www.sepa.org.uk).
- The Northern Ireland Environment Agency (NIEA, www.daera-ni.gov.uk/northern-ireland-environment-agency).

Go to: www.gov.uk/government/uploads/system/uploads/attachment_data/file/491419/LIT8816.pdf for a list of approved PCSs in the UK.

In order to join a PCS, a producer must:

- Pay a fee.
- Advise how much EEE the business produces in a year.
- Advise whether the equipment is produced for household, non-household or mixed use.
- Provide information on how their products may be reused or recycled.

Once they have joined a PCS, producers are issued with a registration number that they must give to any other party that sells or distributes the EEE.

PCSs help larger producers meet their legal responsibilities under the Regulations by arranging the collection, treatment and recycling of the producers' WEEE. The amount a producer must pay is calculated by the PCS. Each producer is responsible for financing a percentage of the overall producer-household WEEE collection target in each of the 14 product categories in which they placed EEE on the UK market in the previous year. This percentage is based on the amount of EEE in each category they place on the marketplace.

Producers must provide their PCS, on a three-monthly basis, with up-to-date information about the EEE they have produced, including an accurate assessment of the weight of the EEE placed on the market during that period. Producers must provide general information on reuse and environmentally friendly treatment of the products and each component within one year of placing the product on the market. This information must be made available to any person who is carrying out treatment of WEEE.

If a large producer does not join a PCS within 28 days of first placing EEE on the UK market, an offence under the WEEE Regulations will have been committed and the organisation will be liable to legal or enforcement action.

Small producers

If a producer expects to produce and place five tonnes or less of EEE on the UK market in a year, then they can register directly with the environmental regulator as a small producer. This can be done either directly through their relevant environmental regulator, or by registering on the National Packaging Waste Database, where producers will be asked for the business location and be referred to their environmental regulator.

Small producers must register before 31st January every year, or within 28 days of the first time they place EEE on the UK market. Small producers are also required to provide details of the amount of EEE they have placed on the market throughout the year. Producers must continue to provide this information for one year following the date of their final placement of EEE on the UK market.

If an organisation does not register as a small producer within 28 days of first placing EEE on the UK market, an offence under the WEEE Regulations will have been committed and the organisation will be liable to legal or enforcement action.

If a small producer places more than five tonnes of EEE on the UK market, they are required to notify their relevant environmental body and register with a PCS within 28 days of exceeding five tonnes.

Distributors

An organisation is classed as a distributor if it sells or distributes EEE. However, the Regulations only place obligations on distributors who supply EEE to households or end users.

Distributors selling EEE to end users for use in the household must provide them with written information about WEEE, covering:

- The environmental impact of WEEE.
- The meaning of the crossed-out wheeled bin symbol.
- The reasons for separating WEEE from other waste.

- The producer's role in contributing to the recycling or recovery of WEEE.
- The options for safely disposing of WEEE (and particularly details of the take-back scheme as outlined below).

Distributors selling EEE to end users for use in the household must also make provisions to allow end users to dispose of WEEE free of charge. Distributors must offer at least one of the following types of take-back scheme:

- **In-store take-back scheme:** Distributors can provide an in-store take-back scheme to provide their end user, household customers with a place to return their old EEE free of charge. These customers may (but do not have to) return WEEE when they buy an equivalent new item. For example, a household customer buying a new fridge freezer from a retailer must be allowed to return their old fridge freezer free of charge. This scheme applies only to household WEEE, but firms must accept all types of EEE sold by them. If firms offer this scheme, they must record the number and category of WEEE items received and make suitable arrangements to manage the waste.
- **Distributor take-back scheme (DTS):** The distributor take-back scheme can be joined by distributors and will allow customers to return WEEE to a designated collection facility (DCF). The DCF must be conveniently located and firms must advise customers how and where the scheme operates. Distributors joining the DTS must contribute to a fund designed to help local authorities improve DCFs. The UK's WEEE DTS is operated by Valpak. Go to <http://dts.valpak.co.uk> for further details on this DTS and costs associated with joining.
- **Provide an alternative free take-back scheme:** Local distributors may provide a free independent facility for customers to return their WEEE. Distributors who wish to use this method should make arrangements to return the WEEE to an Approved Authorised Treatment Facility.

Distributors without store premises, selling EEE to household customers online, by phone or mail order, must also offer a take-back scheme, either by joining a distributor take-back scheme or by collecting WEEE from customers free of charge.

Distributors who supply new EEE from a retail premises with a sales area of at least 400m² have a duty to take back very small WEEE (with a height, depth or length less than 25cm) free of charge, without any legal obligation for the customer to purchase new EEE. An exemption from this duty applies if an alternative existing collection scheme, such as a DTS scheme, is assessed as being equally, or more, effective.

There is no obligation for distributors selling second-hand or reconditioned EEE to operate a take-back scheme.

Distributors have no obligation to take back WEEE from non-household users.

Distributors are also required to keep records dating back at least four years regarding the number of units of WEEE they receive, as well as the number of units that have been returned.

Users of EEE

Non-household users of EEE must ensure that all WEEE is passed to registered waste carriers or other approved persons, accompanied by a waste transfer note, and is taken to a suitable

treatment facility. The method and cost of disposal depends on when the EEE was placed on the UK market.

Household users of EEE are not obliged to participate in WEEE schemes, although they should ideally ensure that their waste is passed only to an approved waste carrier or a take-back scheme.

WEEE containing hazardous substances, such as fluorescent light tubes, refrigerators or cathode ray tube TVs, must be dealt with as hazardous or special waste. Go to www.netregs.org.uk/library_of_topics/waste/hazardous_special_waste/treatdispose_of_special_waste.aspx for guidance on hazardous or special waste.

How are the Regulations enforced and what are the penalties for non-compliance?

Overall responsibility for enforcement of the WEEE Regulations is held by the Environment Agency in England, Natural Resources Wales, SEPA and the NIEA. Responsibility for ensuring distributors meet their WEEE obligations is held by the Department for Business, Energy & Industrial Strategy (BEIS, www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy).

If an organisation commits an offence, for example a producer fails to join a PCS scheme when required, it may be liable to a fine of up to £5,000 on summary conviction and an unlimited fine on conviction.

Hints and tips

- Small producers should register annually if they provide less than five tonnes of EEE per year.
- Large producers should register with a PCS if they provide more than five tonnes of EEE per year.
- Producers should compare PCSs on the services they provide, as well as cost.
- Firms should provide the PCS with updated information every three months to ensure they are complying with the rules and paying the correct fee.
- Firms should keep up to date with legislation by using the guidance available for scheme members from PCS providers.
- Whenever possible, all users of EEE should recycle or reuse EEE instead of throwing it away.
- Producers should consider how to improve the design of their products so that they are easier and more economical to recycle and dispose of.
- Distributors should consider the customer service and customer relations advantages of offering an easy-to-use take-back scheme.

Further information

BIF 100 An Introduction to Environmental Regulations

Useful contacts

The Environment Agency is the environmental regulator for England.

Tel: 0370 850 6506

Website: www.gov.uk/government/organisations/environment-agency

Natural Resources Wales is the environmental regulator for Wales.

Tel: 0300 065 3000

Website: www.naturalresources.wales/?lang=en

The Scottish Environment Protection Agency (SEPA) is the environmental regulator for Scotland.

Tel: 0300 099 6699

Website: www.sepa.org.uk

The Northern Ireland Environment Agency (NIEA) is the environmental regulator for Northern Ireland.

Tel: 0300 200 7856

Website: www.daera-ni.gov.uk/northern-ireland-environment-agency

The Department for Business, Energy & Industrial Strategy (BEIS) is responsible for ensuring that retailers and distributors meet their WEEE requirements.

Tel: (020) 7215 5000

Website: www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy

Valpak operates the UK's WEEE Distributor take-back scheme.

Website: <http://dts.valpak.co.uk>

NetRegs is a partnership between the Scottish and Northern Irish environmental regulators that provides free guidance on environmental regulations for small businesses.

Website: www.netregs.org.uk

WRAP is an independent service providing information and advice to businesses and individuals about recycling.

Tel: (01295) 819900

Website: www.wrap.org.uk

DISCLAIMER While all reasonable efforts have been made, the publisher makes no warranties that this information is accurate and up-to-date and will not be responsible for any errors or omissions in the information nor any consequences of any errors or omissions. Professional advice should be sought where appropriate.

Cobweb Information Ltd, Unit 9 Bankside, The Watermark, Gateshead, NE11 9SY.

Tel: 0191 461 8000 Website: www.cobwebinfo.com