



WEEE Regulations Government Guidance Notes

The Waste Electrical and Electronic Equipment (WEEE) Regulations 2006 – obligations, roles and responsibilities.

Key issues

Whilst local authorities have no obligations under the WEEE regulations there are implications for those who receive WEEE at civic amenity sites or make bulky waste collections.

Government is keen to make use of existing waste collection infrastructure and encourage local authorities to register their CA sites as DCFs.

It is likely that the majority of householders will have little knowledge of the WEEE regulations and as such local authorities will need to act to raise awareness of the responsibilities.

1. Introduction

The Department for Trade and Industry (DTI) has issued guidance notes to support the WEEE regulations. The WEEE Regulations implement the majority of the provisions of the European Parliament and Council Directive on Waste Electrical and Electronic Equipment (2002/96/EC) (the WEEE Directive) and the subsequent European Parliament and Council Directive 2003/108/EC that amended the WEEE Directive.

The notes (80 pages) can be downloaded from the following hyperlink <http://www.dti.gov.uk/files/file38209.pdf>

2. Background

The guidance covers the obligations which the WEEE Regulations place on producers who put electrical and electronic equipment onto the UK market and also obligations on distributors in the UK. More importantly they also cover the roles and implications for local authorities and waste management. Additionally, they identify the implications for users and consumers.

The notes are not definitive and will be updated by the DTI as necessary in the light of comments received and as the WEEE system develops. The DTI will be establishing an independent WEEE advisory body, whose remit will include making recommendations for improvements to the guidance notes. The DTI make clear that the guidance notes have no legal authority and reference should be made to the regulations themselves for a full statement of the legal requirements and in the case of any doubt take independent advice, including your own legal advice.

The WEEE regulations affect

- ✓ Producers putting electrical and electronic equipment (EEE) within the scope of the WEEE Regulations onto the UK market.
- ✓ Distributors of EEE in the UK.
- ✓ Consumers who uses and discards EEE as waste.
- ✓ Local Authorities.
- ✓ Users of non-household EEE.
- ✓ Operators of an Approved authorised treatment facility or Approved exporter.
- ✓ Operators of a reprocessing (recycling and/or recovery) operation.
- ✓ Charitable and Voluntary Sector.
- ✓ Businesses supplying Non-Household EEE and users of Non-Household EEE.

The timetable for the WEEE Regulations place obligations

- ✓ On the producers of EEE from the 1 July 2007
- ✓ On product marking and provision of treatment information from 1 April 2007.
- ✓ Distributor obligations commence from 1 July 2007.

3. What is covered by the Directive?

The WEEE Regulations follow the definition of scope set out in the WEEE Directive and apply to all EEE put on the UK market, which falls within the scope of the WEEE Directive itself. The appendix at the end of this briefing is a decision tree taken directly from the guidance which may assist in decision making.

The devolved administrations have the discretion to determine implementation but have agreed that the WEEE Regulations provide for a uniform UK wide implementation.

4. Local Authorities and WEEE

Whilst local authorities have no obligations under the WEEE Regulations there are implications for local authorities who:

- ✓ Receive household WEEE deposited by local residents at their civic amenity sites (CA sites) or via waste transfer stations;

- ✓ Make bulky waste collections from local residents.

4.1 Civic Amenity Sites

The WEEE Regulations give distributors a choice in complying, either by providing in-store take-back services or via the Distributor Take-back Scheme (DTS), which will support the establishment of the UK Designated Collection Facility Network. The Government is keen to make use of existing waste collection infrastructure wherever possible, and is encouraging local authorities to register their civic amenity and bulky waste sites as Designated Collection Facilities (DCFs).

This means there are a range of potential benefits available to local authorities who register their CA sites as DCFs including:

- ✓ Receive funding from the DTS and be provided with containers and get free collection through the producer compliance schemes of all the separately collected household WEEE at DCFs.
- ✓ Recycling of WEEE deposited and collected at the DCF will count towards recycling targets
- ✓ Reduced amount of waste sent for disposal to cut disposal costs.
- ✓ No onward costs of transport, treatment, recovery, recycling and disposal of household WEEE as producers are responsible for these costs.

There is a code of practice that must be complied with in relation to collection, storage and access that can be found on the DTI website.

It is not essential for all thirteen of the categories of WEEE to be collected separately at each DCF. It has been agreed that the majority of DCFs will collect at most five streams of WEEE. These are the three hazardous categories (cooling appliances, TVs and monitors, and gas discharge lamps), large household appliances excluding cooling appliances, and "mixed WEEE" (which covers all the remaining categories). A DCF may register to collect one, several or all of these five streams.

Valpak Retail WEEE Services, has been appointed operator of the DTS and will undertake the registration of DCFs. Registration can be carried out online at www.valpak.co.uk/dts. Local authorities should ensure that their registration is accurate and kept up-to-date as Producer Compliance Schemes will make collection arrangements based on the information provided. The register will also be used to direct consumers to the nearest DCF where they can dispose of their WEEE. The deadline for registration for the first set of sites is 31 March 2007. This deadline has been set to allow sufficient time for contractual arrangements between DCF operators and Producer Compliance Schemes to be concluded before they are due to begin collecting from DCFs on 1 July 2007.

There is still some uncertainty over whether all retailers will back the proposed WEEE recycling scheme.

4.2 Bulky waste collections

Arrangements for these collections will not be affected by the WEEE Regulations. The Government is encouraging the routing of household WEEE collected via local

authority bulky waste collection services to DCFs (which may be waste transfer stations as well as CA sites). If this WEEE does not go to a DCF, the costs of its disposal will be carried by the local authority.

4.3 Non-household waste

Where sites and waste transfer stations currently accept WEEE from small businesses, the DTI suggest that a pragmatic approach is taken given the definition of household WEEE in the WEEE Directive and, the service that the local authorities may wish to offer local small businesses. However, any WEEE that businesses take to DCF's must fall within the Directive's definition of household WEEE.

5. Responsibility of Residents and Householders

It is likely that the majority of householders will have little knowledge of the WEEE regulations and as such local authorities will need to act to raise awareness of the responsibilities. For example the "crossed out wheeled bin symbol" will be marked on all new EEE. Whilst residents as consumers have no obligations under the WEEE regulations they will after the implementation of the directive have to have in place the means to separate EEE from the other waste.

Distributors will have to offer a free take back service (but not free collection) for WEEE either at the DCF or in-store. The regulations do not entitle residents to free collection and as such local authorities that charge for bulky waste collections can still choose whether to charge for the service

6. Comments

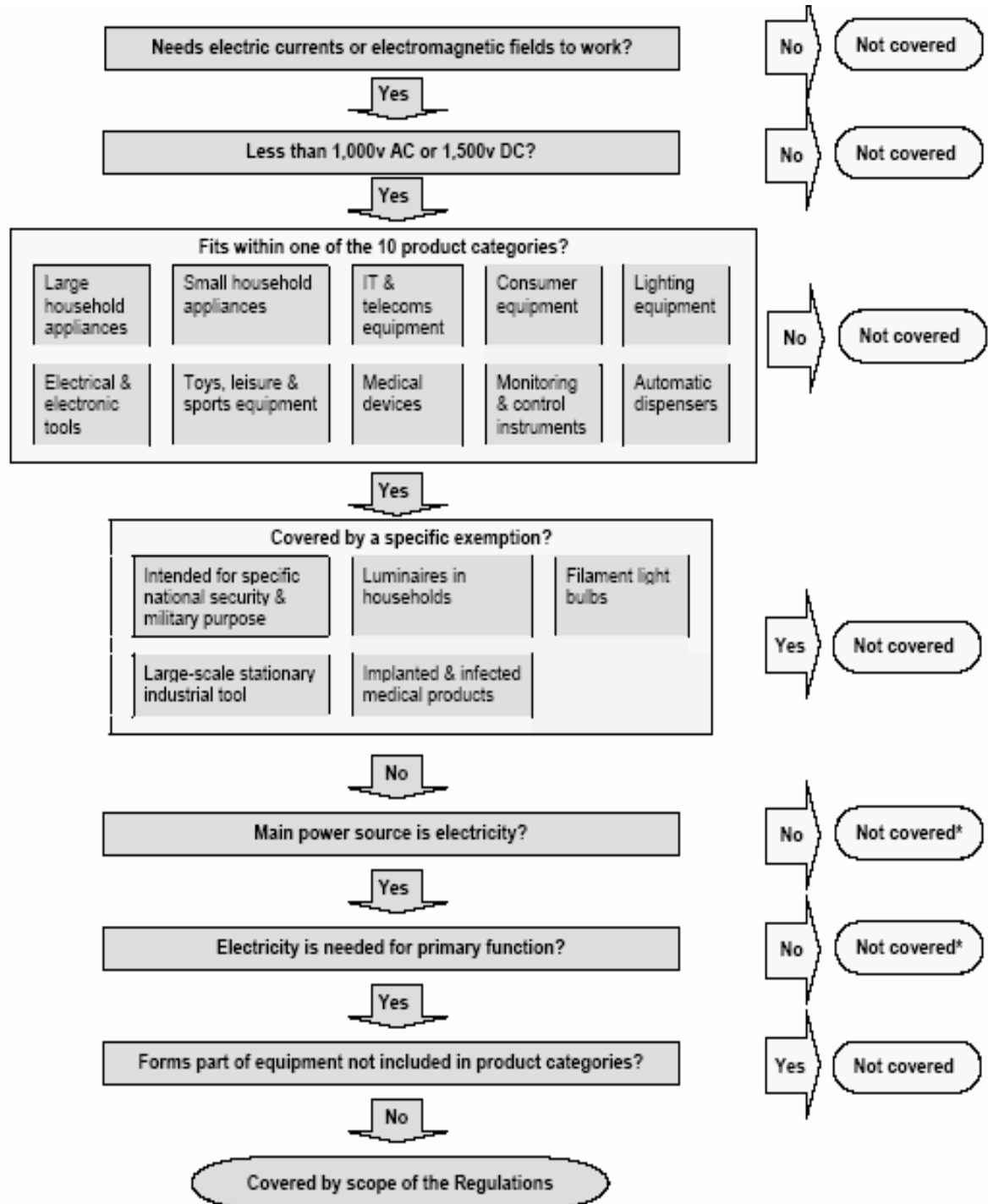
The WEEE regulations seem to have been debated and discussed for a number of years, however, commencing on 1 July 2007 any business that manufactures, brands or imports electrical and electronic equipment will be responsible for the cost of collection. Although local authorities have no direct obligations under the WEEE Regulations there are implications.

APSE would support the Government position in making use of existing local authority waste collection infrastructure wherever possible and supports the view that local authorities should register their civic amenity and bulky waste sites as Designated Collection Facilities (DCF). As stated in the earlier commentaries this has a range of benefits.

There will also need to be a considerable awareness raising campaign within the public to ensure they know the full implications of the WEEE regulations. Local authorities need to be aware of this and ensure education and publicity programmes cover the issue.

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Appendix: Decision tree that could be used by Producers to decide whether products are covered by the WEEE Regulations



*While these exclusions are not expressly provided for in the WEEE Directive, it is the DTI view that they apply. It should be noted, however, that a definitive legal interpretation is only available from the court. Producers should rely on independent legal advice on compliance.