
The UK WEEE Regulations are based on a number of European Union Directives and Initiatives which implement the principle of extended producer responsibility.

Under this principle, producers are required to take financial responsibility for the environmental impact of products they place on the market, especially when they become waste. The Regulations impact thousands of obligated UK businesses.

The WEEE Regulations seriously impact the waste activities of manufacturers, importers, sellers, distributors and users of most types of Electrical and Electronic Equipment (EEE).

The aim of the Regulations is to transpose the bulk of the provisions of the EC WEEE directive - which aims to address the environmental impacts of WEEE and to encourage its separate collection, subsequent treatment, reuse, recovery, recycling and environmentally-sound disposal.

It seeks to improve the environmental performance of all those involved in the life-cycle of EEE.
A business is obligated by the WEEE Regulations 2013 if a business places electrical or electronic equipment (EEE) onto the UK market through:

1. UK based manufacture
2. Importing EEE into the UK
3. Selling equipment manufactured by someone else and then sold under an organisation’s own brand
4. An establishment outside of the UK selling by means of distance communication directly to households or businesses.

If a company performs any of the above activity then that business is considered to be an obligated producer under the UK WEEE Regulations.

Def. ‘Placed on the market’ - the first making available of a product on the market within the UK.

Unlike the Packaging Waste Regulations, there is no threshold for registration under the WEEE Regulations so regardless of company turnover and the tonnage of EEE placed on the UK market if a business performs one of the two main activities on the obligated EEE (producer/distributor) then that business is obligated under the regulations.

If a business sells electrical and electronic equipment (EEE) to consumers, either direct via shops or through the internet / catalogues then a business is considered to be an obligated ‘distributor’ under the regulations.

FROM JANUARY 2014 - producers placing less than 5 tonnes of EEE on the UK market in a compliance year will be considered a ‘small producer’. To determine an obligation under the WEEE Regulations the Comply Direct online decision tree can be accessed by following the link below.

www.complydirect.com/services/weee-compliance/#calculator
The WEEE Regulations apply to any equipment that requires electrical current (either batteries or mains power) to perform its primary function.

Under the UK WEEE Regulations there are 14 categories of WEEE which are used for reporting purposes. Producers must therefore decide which category to list their equipment under from the following:

1. Large household appliances (e.g. white goods but not including cooling equipment)
2. Small household appliances (e.g. vacuums, irons, toasters)
3. IT and telecoms equipment (e.g. computers, printers, calculators, phones, answer machines but not display monitors)
4. Consumer equipment (e.g. radios, hi-fi equipment, electronic musical instruments but not televisions)
5. Lighting equipment
6. Electrical and electronic tools (e.g. drills, saws, sewing machines etc., but excluding large stationary industrial tools)
7. Toys, leisure and sports equipment (e.g. train sets, video games, coin slot machines and all sports equipment with electrical components)
8. Medical devices (e.g. dialysis machines, ventilators)
9. Monitoring and Control instruments (e.g. smoke detectors, thermostats)
10. Automatic dispensers (e.g. ATMs, vending machines)
11. Display equipment (e.g. TVs and monitors)
12. Cooling equipment (e.g. refrigeration equipment)
13. Gas discharge lamps (amended for 2013 to include all LED light sources as well as gas discharge lamps)
14. Photovoltaic (Solar) Panels

The above list of 14 categories is indicative and not intended to be exhaustive. Comply Direct should be consulted for more producer examples of obligated EEE per category.
Scope of WEEE: Exemptions

There are, however, some EU specific exemptions:

- Items using more than 1,000 volts AC or 1,500 volts DC
- Equipment designed and used purely for military purposes
- Large scale industrial tools (large scale assembly of machines/equipment/components functioning together for a specific application and permanently installed by professionals)
- Equipment that forms part of a non-electrical product e.g. a timer in a gas installation
- Household lighting equipment (except torches and bulbs which are within scope)
- Filament bulbs
- Large scale fixed installations (large size combinations of several types of apparatus)
- EEE constituting a means of transport for persons or goods (excluding electric 2 wheeled vehicles not type approved)
- Non-road mobile machinery exclusively for professional use
- Equipment solely for purpose of research and development on a B2B basis
- Medical devices - when such equipment is expected to be ineffective prior to end of life and active implantable medical devices
Under the WEEE Recast Directive 2012/19/EU from 1 January 2014 WEEE producers who place less than 5 tonnes of EEE onto the market in a year will be termed a ‘Small Producer’ and will be given the option of direct registration with the relevant Agency or registration via producer compliance schemes.

The small producer amendment benefits many small producers with significant cost savings.

Small producers are required to register with the relevant Agency and submit data in the required format and in the relevant timescale. If at any point the 5 tonne threshold is exceeded the producer will have 28 days to register with a producer compliance scheme.

Small producers must still meet producer obligations for non-household EEE by reporting treated WEEE to a PCS. For this reason it is preferable for many small producers to be members of a compliance scheme.

Some producer compliance schemes like Comply Direct offer Small Producer Registration for those who qualify for the WEEE small producer option but still wish to have the support of a PCS.

Producer compliance schemes that offer Small Producer Registration will typically perform the following services: handle registration, data presentation and submission, holding of historic data records, access to WEEE collection networks and facilities and absolve the producer responsibility obligation of the WEEE small producer.
As a producer that places over 5 tonnes of EEE on the UK market per year, you must:

- Register with an approved Producer Compliance Scheme (PCS) such as Comply Direct Ltd by the 15th November for the following year (or within 28 days of entering the UK EEE market)

- Pay your chosen compliance scheme according to its fee structure and membership rules

- For household (B2C) producers, by the middle of the month following each quarter, submit quarterly EEE data to their respective compliance schemes confirming the amount of household EEE placed on the market in the preceding quarter for each of the 14 WEEE categories

- For non household (B2B) producers, by the middle of the month following the last quarter of the year, submit their annual EEE data to their respective compliance schemes confirming the amount of non household EEE placed on the market in the preceding year for each of the 14 WEEE categories

- Ensure that EEE you put onto the UK market is marked with a “crossed out wheeled bin” symbol to assist with its separate collection from other waste streams

- Ensure that EEE you put onto the UK market is marked with a date indicator

- Within one year of having placed new EEE on the market, make available certain information about new types of EEE to assist reuse, treatment facilities and recyclers (information such as different materials and components of EEE and the location of any hazardous substances)

- Provide your producer registration number(s) to distributors when you sell EEE (can be incorporated into letterheads or onto invoices for example. This number will remain the same from compliance period to period and even if a producer switches compliance schemes at the end of a compliance period. The number is issued by the relevant authority and issued to producers via their compliance schemes)
It is important to understand whether a producer should classify and declare their EEE as household or non-household. It is ultimately the producer’s responsibility to determine whether their EEE is within scope and how it should be correctly classified by reviewing each EEE product.

The main points to consider when deciding how to classify your EEE is the product’s design specification and function. For example, a laptop is used by households and non-households but specific models may just be designed for and used in a non-household environment. The latter would need to be declared as B2B but if usable in both would need to be declared as B2C.

To be clear, only EEE designed solely for use in a non-household environment, as demonstrated by the function and specification of the product, should be declared as non-household B2B. All other EEE should be declared as B2C.

Design attributes which may show a product is non-household include durability, performance, size, voltage etc.

The products normal intended use should also be factorised in when considering classification. For example, a private household may purchase a coffee machine designed and intended for industrial use but as this is an exceptional circumstance (i.e. not consumer behaviour that is reasonably foreseeable) the EEE should be reported as B2B.

The WEEE Regulations affect producers differently depending on this classification.
Household (B2C) system

In line with their market share, producers of household EEE are responsible for funding the collection and treatment of a proportion of separately handed-in household WEEE at registered Designated Collection Facilities (DCFs) throughout the UK.

The DCF sites are mainly local authority civic amenity sites.

On behalf of household members, PCSs have the duty of contracting with local authorities to collect, treat, recycle, recover and dispose ‘in an environmentally sound manner’ WEEE collected from such DCF sites in line with their member market share obligations.

The UK Secretary of State will determine each year the amount of WEEE in each of the 14 categories that must be treated.

Responsibility for funding the recycling of this tonnage is apportioned to producers in line with their market share of EEE by category (the tonnages of EEE placed on the market in the previous compliance year by that producer as a proportion of all EEE placed on the UK market).

PCSs are given an annual WEEE recycling target based on their total member obligation. Targets are set per category but with 2-10 (small WEEE) aggregated.

Obligated household large producers have to register with an approved compliance scheme, produce the quarterly data and pay their compliance scheme for the costs associated with the collection, treatment, recovery and recycling of their equivalent household WEEE market share.
Non household (B2B) system

Where the producer puts EEE on the market for non household use after 13th August 2005 and this is subsequently discarded as waste, the producer must finance the collection, treatment, recovery, recycling and environmentally sound disposal of WEEE.

Where the producer places EEE on the market for non-household use to replace WEEE originally put on the market prior to 13th August 2005 (regardless of brand / manufacturer) the producer must finance the collection, treatment, recovery, recycling and environmentally sound disposal of such WEEE (the EEE must serve an equivalent function).

Business end users with WEEE that was purchased prior to 13th August 2005 are responsible for disposal of such WEEE themselves (still via an authorised treatment facility) if they are not replacing such WEEE with new EEE.

Non household producers must (via their compliance schemes) report evidence to the appropriate regulatory authority to show that they have met their non household financing obligations. This is typically done via approved and authorised treatment facilities (AATF) issuing non household WEEE evidence notes in the WEEE Settlement Centre.

All ‘new’ B2B EEE should be marked with the crossed out wheeled bin symbol date mark to identify it.
Sellers or retailers of EEE, who sell direct to householders also have a distributor obligation under the WEEE Regulations and have to options to meet the distributor obligations.

Distributors are responsible for providing ‘an adequate network’ of free disposal facilities to consumers for household WEEE.

This responsibility is discharged through the option of two methods:

1. In-store take back
2. Distributor take back scheme (DTS)

If a distributor opts for in-store take back of goods then the distributor must display signs in-store or online that details this.

If a distributor supplies new EEE from a retail premises with a sales area relating to EEE of at least 400m² then the distributor must take back and ‘very small WEEE’ free of charge. If the EEE sales area is smaller than 400m² then the distributor need only offer take-back from customers on a one-for-one basis of any product of a similar type sold by the distributor.

This requirement applies whether products are sold in a store, delivered to a customer premises or sold online.

The DTS option exempts distributors from in-store take back, but the distributor will be required to pay a fee for this exemption. Under either option, distributors must display notices in-store advising customers about environmental issues related to WEEE and how it can be best recycled. More details can be obtained from Comply Direct Ltd.

The National Measurements Office (NMRO) is the enforcement body for WEEE distributor obligations.
Every producer registered with the Environment Agency will be charged a registration fee by their compliance scheme and this is dependent upon the turnover of an obligated producer.

The fees charged as per the current (from the 1st of January 2014) WEEE regulations are:

- Non Vat registered companies = £30
- WEEE small producer = £30
- Vat registered and turnover below £1 million in the last financial year = £210
- Vat registered and turnover above £1 million = £445

In addition, each approved producer compliance scheme will charge their obligated producer members annual membership fees and appropriate treatment and recycling fees in line with the costs of such evidence attainment.
Offences under regulations

It is an offence to place EEE on the UK market and not be correctly registered with an approved compliance scheme (or the relevant Agency) in any compliance period.

It is an offence not to discharge your obligations under the Regulations. If you sell equipment to end users in other member states (i.e. not through a commercial body in that country) the Regulations require you to register in that country under their Regulatory requirements.

The penalties regime in the UK is a criminal one and cases may be heard in the High Court with significant fines administered.

The regulatory authorities have a duty to track down free-riders (obligated producers who do not comply with their responsibilities under the WEEE Regulations) as well as monitor registered producers to make sure they are submitting data that is ‘as accurate as reasonably possible’.