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STATUTORY INSTRUMENTS

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**2006 No. 3289**

The Waste Electrical and Electronic  
Equipment Regulations 2006

PART 3

PRODUCER OBLIGATIONS

**Financing: WEEE from private households**

8.—(1) In each compliance period, the financing of the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households that—

- (a) is deposited at a designated collection facility; or
- (b) is returned under regulation 32 but is not deposited at a designated collection facility,

during that compliance period (“the relevant WEEE”) shall be the responsibility of all producers who put EEE on the market in the United Kingdom in that compliance period.

(2) Each producer to whom paragraph (1) applies shall be responsible for financing the costs of the collection, treatment, recovery and environmentally sound disposal of an amount of the relevant WEEE.

(3) The amount of the relevant WEEE for which each producer shall be responsible under paragraph (2) shall be calculated in relation to each of the categories of EEE as follows—

$$(A \div B) \times C$$

where—

“A” is the total amount in tonnes of EEE intended for use by private households and falling within one of the categories of EEE (“the relevant category”) that has been put on the market in the United Kingdom by that producer in a particular compliance period, or part of a particular compliance period, (“the relevant compliance period”);

“B” is the total amount in tonnes of EEE intended for use by private households and falling within the relevant category that has been put on the market in the United Kingdom by all producers in the same compliance period used in “A”; and

“C” is the total amount in tonnes of WEEE from private households which is waste from electrical or electronic products that fall within the relevant category and is deposited at a designated collection facility and returned under regulation 32 in the same compliance period used in “A”.

(4) Where regulation 10(8)(a) applies to a producer—

- (a) it shall be the duty of the appropriate authority to determine the amount of relevant WEEE for which that producer shall be responsible under paragraph (2) by using the calculation set out in paragraph (3);
- (b) the appropriate authority shall serve a preliminary notification in writing on that producer specifying the amount of the relevant WEEE for which he shall be responsible under

this regulation on or before 1st April of the year that immediately follows the relevant compliance period; and

- (c) the appropriate authority shall serve a final notification in writing on that producer specifying the amount of the relevant WEEE for which he shall be responsible under this regulation on or before 1st May of the year that immediately follows the relevant compliance period.
- (5) A notification served under paragraph (4)(b) shall include the following information—
- (a) the relevant compliance period;
  - (b) the amount in tonnes of the relevant WEEE, by reference to the categories of EEE, for which the appropriate authority has determined under paragraph (4)(a) that that producer shall be responsible under paragraph (2);
  - (c) an explanation of how the amount of the relevant WEEE referred to in sub-paragraph (b) has been determined using the calculation set out in paragraph (3); and
  - (d) that that producer may make representations in writing to the appropriate authority in relation to the determination referred to in sub-paragraph (b) within 14 days of the date of the notification.
- (6) A notification served under paragraph (4)(c) shall include the information referred to in paragraph (5)(a), (b) and (c).
- (7) For the purpose of determining the amount of relevant WEEE for which a producer shall be responsible under paragraph (2) using the calculation set out in paragraph (3)—
- (a) the appropriate authority shall take account of the information provided to it—
    - (i) in compliance with regulations 27 and 28 in relation to the relevant compliance period; and
    - (ii) by that producer in compliance with a notification served under regulation 44(3); and
  - (b) where any of the information referred to in sub-paragraph (a) has not been provided to it for any reason, the appropriate authority shall make a reasonable estimate of what such information would have been had it been provided as required.
- (8) Where paragraph (7)(b) applies, the appropriate authority shall take account of any relevant information that is available to it in making a reasonable estimate.
- (9) In this regulation,
- (a) “categories of EEE” means—
    - (i) the categories of EEE listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
    - (ii) display equipment,
    - (iii) cooling appliances containing refrigerants, and
    - (iv) gas discharge lamps; and
  - (b) “relevant WEEE” has the meaning given in paragraph (1).

#### **Financing: WEEE from users other than private households**

9.—(1) Each producer shall finance the costs of the collection, treatment, recovery and environmentally sound disposal of—

- (a) WEEE from users other than private households arising during a compliance period from EEE put on the market in the United Kingdom on or after 13th August 2005 by that producer; and

(b) WEEE from users other than private households arising during a compliance period from EEE put on the market in the United Kingdom before 13th August 2005 (“the relevant WEEE”) where that producer is supplying new EEE that—

- (i) is intended to replace the relevant WEEE, and
- (ii) is of an equivalent type or is fulfilling the same function as that of the relevant WEEE.

(2) Nothing in paragraph (1) shall prevent a producer from concluding an agreement whereby the parties to the agreement make alternative arrangements between themselves to finance the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE.

### **Obligation to join a scheme**

**10.**—(1) A producer shall be a member of a scheme in respect of any compliance period, or any part of a compliance period, during which he puts EEE on the market in the United Kingdom.

(2) Subject to paragraph (3), a producer who is required by paragraph (1) to be a member of a scheme shall in respect of any compliance period join a scheme on or before 15th October in the year immediately preceding the commencement of that compliance period.

(3) Where a producer does not put, or form the intention of putting, EEE on the market in the United Kingdom until after the date by which that producer should have joined a scheme under paragraph (2), that producer shall join a scheme within 28 days of the date that he puts or forms the intention of putting EEE on the market in the United Kingdom.

(4) Where paragraph (1) applies—

(a) a producer who has obligations under both regulations 8 and 9 in respect of any compliance period or any part of a compliance period may join—

- (i) one scheme that has been approved under regulation 41 for the purposes of regulations 22 and 23; or
- (ii) one scheme that has been approved under regulation 41 for the purposes of regulation 22 and one scheme that has been approved under regulation 41 for the purposes of regulation 23; and

(b) a producer who has obligations under regulation 8 or 9 but not both in respect of any compliance period, or any part of a compliance period, may join—

- (i) in the case of a producer who has obligations under regulation 8, one scheme that has been approved under regulation 41 for the purposes of regulation 22; or
- (ii) in the case of a producer who has obligations under regulation 9, one scheme that has been approved under regulation 41 for the purposes of regulation 23.

(5) Subject to paragraph (8), where a producer is a member of a scheme that has been approved under regulation 41 for the purposes of regulation 22, he shall be exempt from complying with any obligation that he has under regulation 8(1) in respect of a relevant compliance period during which his membership of that scheme subsists.

(6) Subject to paragraph (8), where a producer is a member of a scheme that has been approved under regulation 41 for the purposes of regulation 23, he shall be exempt from complying with any obligation that he has under regulation 9(1) in respect of a relevant compliance period during which his membership of that scheme subsists.

(7) Where a producer is a member of a scheme and he has been notified by the appropriate authority under regulation 44(3) that approval of that scheme (“the old scheme”) has been withdrawn under regulation 44(1)—

(a) that producer shall, within 28 days of the date of the notification served on him by the appropriate authority under regulation 44(3), become a member of a scheme (“the new scheme”); or

- (b) that producer shall—
  - (i) within 28 days of the date of the notification served on him by the appropriate authority under regulation 44(3), notify the appropriate authority of his intention to become a member of a proposed scheme which is the subject of an application for approval made under regulation 41(2); and
  - (ii) in the case where that proposed scheme is—
    - (aa) approved by a decision made under regulation 41, become a member of a scheme within 28 days of the date of a notification given to that producer under regulation 41(8); or
    - (bb) not approved by a decision made under regulation 41, become a member of a scheme within 28 days of the date of a notification given to that producer under regulation 42(3).

(8) Where paragraph (7) applies and a producer has benefited from an exemption under paragraph (5) or (6) by virtue of his membership of the old scheme, the exemption in that paragraph shall cease to apply to the producer and he shall comply with—

- (a) any obligation that he has under regulations 8(1) and 9(1) until the date he joins a new scheme; and
- (b) regulation 12.

### **Information provided to operators of schemes**

11.—(1) Where a producer is a member of a scheme, he shall provide to the operator of that scheme any information which that operator will need to rely on for the purposes of—

- (a) making an application to register a producer under regulation 20;
- (b) making a notification under regulation 21;
- (c) complying with a reporting requirement under regulation 28; and
- (d) complying with a demand to produce records under regulation 30.

(2) A producer who provides to the operator of the scheme information to which paragraph (1) applies shall—

- (a) ensure that the information is in writing and is signed by—
  - (i) where the producer is an individual, that individual,
  - (ii) where the producer is a partnership, a partner,
  - (iii) where the producer is a body registered in the United Kingdom, a director or the company secretary of that body, and
  - (iv) where the producer is a body which is not registered in the United Kingdom, the individual who has control or management of that body; and
- (b) inform the operator of the scheme in writing of any material change in the information provided to that operator in accordance with this regulation within 28 days of the occurrence of any such change.

### **Declaration of compliance**

12.—(1) Where regulation 10(8) applies and a producer has any obligation under regulations 8 and 9 during a relevant compliance period, or any part of a relevant compliance period, he shall provide a declaration of compliance to the appropriate authority on or before 1st June of the year that immediately follows the end of that compliance period.

- (2) A declaration of compliance shall—

- (a) be in writing;
  - (b) include the information set out in Part 1 of Schedule 5; and
  - (c) be accompanied by copies of all evidence notes acquired in respect of the relevant compliance period to which the declaration relates.
- (3) Where a producer is under an obligation to provide a declaration of compliance under this regulation, that declaration shall be signed by—
- (a) where the producer is an individual, that individual,
  - (b) where the producer is a partnership, a partner,
  - (c) where the producer is a body registered in the United Kingdom, a director of that body,
  - (d) where the producer is a body that is not registered in the United Kingdom, the individual who has control or management of that body.

### **Record keeping**

**13.**—(1) A producer to whom the obligation in regulation 10 applies in relation to a compliance period, or any part of a compliance period, shall keep records in writing of the following information—

- (a) the amount in tonnes of all EEE which he has put on the market in the United Kingdom during that compliance period which falls within—
  - (i) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
  - (ii) display equipment,
  - (iii) cooling appliances containing refrigerants, and
  - (iv) gas discharge lamps; and
- (b) for each category referred to in sub-paragraph (a), the amount in tonnes of EEE intended for use by—
  - (i) private households; and
  - (ii) users other than private households.

(2) The records referred to in this regulation shall be kept for a period of at least four years commencing on the date on which any such record is made and shall be made available to the appropriate authority on demand.

### **Declaration of EEE producer registration number**

**14.** A producer to whom the obligation in regulation 10 applies shall declare his EEE producer registration number to any distributor to whom he intends to sell, sells or otherwise supplies EEE.

### **Marking EEE with the crossed out wheeled bin symbol**

**15.**—(1) A producer shall mark EEE that he puts on the market with the symbol shown in Schedule 4 (“the crossed out wheeled bin symbol”).

(2) Except where paragraph (3) applies, the crossed out wheeled bin symbol shall be affixed in a visible, legible and indelible form to each item of equipment.

(3) In exceptional cases, where this is necessary because of the size or function of the product, the crossed out wheeled bin symbol shall be printed on—

- (a) the packaging;
- (b) the instructions for use; and

- (c) the accompanying warranty.

### **Marking EEE with a producer identification mark and a date mark**

**16.**—(1) A producer shall mark EEE that he puts on the market in such a manner that—

- (a) he can be easily identified by that mark as the producer of the equipment (“the producer identification mark”); and
- (b) the equipment can be easily identified as having been put on the market after 13th August 2005 (“the date mark”).

(2) The producer identification mark and the date mark shall be affixed in a visible, legible and indelible form to each item of equipment.

### **Information on new types of EEE**

**17.**—(1) A producer shall provide information on reuse and environmentally sound treatment for each new type of EEE put on the market by that producer within one year of such equipment being put on the market.

(2) The information mentioned in paragraph (1) shall identify so far as it may be reasonably required by any person carrying out treatment activities—

- (a) the different components and materials of the EEE; and
- (b) the location of any dangerous substances and preparations in the EEE.

(3) A producer shall make the information mentioned in paragraph (1) available to any person carrying out treatment activities in the form of manuals or by means of electronic media.

### **Producers supplying EEE by means of distance communication**

**18.**—(1) A producer who puts EEE on the market in any member State except for the United Kingdom by means of distance communication shall comply with the requirements set out in Article 8 of the Directive for the EEE that he puts on the market in any member State except for the United Kingdom.

(2) A producer to whom paragraph (1) applies shall provide the appropriate authority with information that demonstrates that he has complied with his obligation under paragraph (1) and shall keep records in writing of the following information—

- (a) the amount in tonnes of all EEE which he has put on the market in any member State except for the United Kingdom on or after 1st July 2007;
- (b) the categories of the EEE referred to in sub-paragraph (a) by reference to—
  - (i) the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
  - (ii) display equipment,
  - (iii) cooling appliances containing refrigerants, and
  - (iv) gas discharge lamps; and
- (c) for each category referred to in sub-paragraph (b), the amount in tonnes of EEE intended for use by—
  - (i) private households; and
  - (ii) users other than private households; and
- (d) details of compliance with the requirements of Article 8(4) of the Directive.

(3) The records referred to in this regulation shall be kept for a period of at least four years commencing on the date on which any such record is made and shall be made available to the appropriate authority on demand.