
STATUTORY INSTRUMENTS

2013 No. 3113

The Waste Electrical and Electronic
Equipment Regulations 2013

PART 9

POWERS AND DUTIES OF THE SECRETARY OF STATE

Distributor take back scheme

68. The Secretary of State may, after consultation with such persons or bodies as appear to him representative of the interests concerned, approve a distributor take back scheme to carry out the functions of—

- (a) providing a system that will ensure the availability and accessibility free of charge of designated collection facilities in the United Kingdom for the purpose of achieving a high level of collection of WEEE from private households at such facilities; and
- (b) providing distributors with an alternative means of discharging the [^{F1}obligations under regulation 42(1) and 45(1)].

Textual Amendments

- F1** Words in [reg. 68\(b\)](#) substituted (25.12.2015) by [The Waste Electrical and Electronic Equipment \(Amendment\) Regulations 2015 \(S.I. 2015/1968\)](#), [regs. 1, 2\(35\)](#)

Commencement Information

- I1** Reg. 68 in force at 1.1.2014, see [reg. 1\(2\)](#)

Take back: Application to use existing collection facilities

69.—^{F2}(1) Where a distributor to whom regulation 42(2) applies, does not provide in-store take back and has not joined a distributor take back scheme approved by the Secretary of State under regulation 68, he must—

- (a) comply with all the obligations which a take back scheme must discharge on behalf of its members; or
 - (b) submit an application to the Secretary of State requesting to use existing take back facilities.]
- (2) The application referred to in paragraph (1)(b) [^{F3}must]—
- (a) be submitted in writing or online;
 - (b) be submitted to the Secretary of State on or before 1st November in the year immediately preceding the commencement of the compliance period in which the exemption applied for is to apply;

- (c) provide details of the alternative collection facilities available; and
 - (d) provide evidence that these facilities are likely to be at least as effective either providing in-store take back or joining a take back scheme approved under regulation 68 and commit to publish this evidence.
- (3) An application to use existing collection schemes under paragraph (1)(b) [^{F4}must] be granted where the Secretary of State is satisfied that—
- (a) alternative existing collection schemes are likely to be at least as effective as in-store take back or membership of a scheme; and
 - (b) that the WEEE collected by alternative existing schemes [^{F4}must] be—
 - (i) treated by an ATF, or
 - (ii) exported by an approved exporter for treatment outside of the United Kingdom.
- (4) Where the application referred to in paragraph (3) is granted, in respect of any compliance period, the Secretary of State [^{F5}must], on or before 15th January provide written notification to the distributor that their application has been approved.

Textual Amendments

- F2** Reg. 69(1) substituted (25.7.2014) by The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014 (S.I. 2014/1771), regs. 1(b), 2(9)
- F3** Word in reg. 69(2) substituted (25.7.2014) by virtue of The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014 (S.I. 2014/1771), regs. 1(b), 3(3), **Sch. 2 Pt. 1**
- F4** Word in reg. 69(3) substituted (25.7.2014) by virtue of The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014 (S.I. 2014/1771), regs. 1(b), 3(3), **Sch. 2 Pt. 1**
- F5** Word in reg. 69(4) substituted (25.7.2014) by virtue of The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014 (S.I. 2014/1771), regs. 1(b), 3(3), **Sch. 2 Pt. 1**

Commencement Information

- I2** Reg. 69 in force at 1.1.2014, see **reg. 1(2)**

Approval of designated collection facilities

70.—(1) The Secretary of State may, after consultation with such persons or bodies as appear to him representative of the interests concerned, approve any establishment or undertaking carrying out collection operations as a designated collection facility.

(2) The Secretary of State [^{F6}must] not approve any establishment or undertaking under paragraph (1) unless he is satisfied that the criteria set out in Schedule 12 are met.

(3) The Secretary of State may review any decision made under paragraph (1) at any time.

(4) It will be the duty of the Secretary of State to publish details of all designated collection facilities.

Textual Amendments

F6 Word in [reg. 70\(2\)](#) substituted (25.7.2014) by virtue of [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), 3(3), **Sch. 2 Pt. 1**

Commencement Information

I3 Reg. 70 in force at 1.1.2014, see [reg. 1\(2\)](#)

Withdrawal of approval of designated collection facilities

71.—(1) The Secretary of State may decide to withdraw his approval of a designated collection facility where he is satisfied that it—

(a) no longer meets the criteria set out in Schedule 12; ^{F7}...

^{F8}(b)

(2) Where the Secretary of State decides to withdraw approval of a designated collection facility under paragraph (1), within 14 days of that decision being made, he [^{F9}must] notify the operator of the collection facility in writing—

- (a) of his decision to withdraw approval of the designated collection facility;
- (b) of the reasons for that decision;
- (c) of the date when the decision will take effect, not being earlier than 28 days from the date of the notification; and
- (d) that the operator of the collection facility may make representations in writing to the Secretary of State in relation to the decision within 14 days of the date of the notification.

(3) The Secretary of State [^{F10}must] consider any representations made to him in writing by the operator of the collection facility under paragraph (2)(d) at any time before the decision mentioned in paragraph (1) takes effect.

(4) The Secretary of State may decide against withdrawing his approval of the designated collection facility at any time before the decision mentioned in paragraph (1) takes effect.

Textual Amendments

F7 Word in [reg. 71\(1\)](#) omitted (31.12.2020) by virtue of [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **19(9)(a)** (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)

F8 [Reg. 71\(1\)\(b\)](#) omitted (31.12.2020) by virtue of [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **19(9)(b)** (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)

F9 Word in [reg. 71\(2\)](#) substituted (25.7.2014) by virtue of [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), 3(3), **Sch. 2 Pt. 1**

F10 Word in [reg. 71\(3\)](#) substituted (25.7.2014) by virtue of [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), 3(3), **Sch. 2 Pt. 1**

Commencement Information

I4 Reg. 71 in force at 1.1.2014, see [reg. 1\(2\)](#)

Code of Practice

72.—(1) The Secretary of State [^{F11}must], after consultation with such persons or bodies as appear to him representative of the interests concerned, prepare and issue a code of practice for the purpose of providing practical guidance on the standards that must be met by—

- (a) the operator of a designated collection facility; and
- (b) by the operator of a scheme that collects WEEE from private households from a designated collection facility.

(2) The Secretary of State may revise the code of practice issued under paragraph (1) by revoking, amending or adding to the provisions of the code.

Textual Amendments

F11 Word in [reg. 72](#) substituted (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), 3(2), [Sch. 1 para. 29](#)

Commencement Information

I5 [Reg. 72](#) in force at 1.1.2014, see [reg. 1\(2\)](#)

Evidence notes

73. It will be the duty of the Secretary of State to approve the format of evidence notes issued by an operator of an AATF or an approved exporter.

Commencement Information

I6 [Reg. 73](#) in force at 1.1.2014, see [reg. 1\(2\)](#)

Product Design

74.—(1) It will be the duty of the Secretary of State to encourage the design and production of EEE that takes into account and facilitates dismantling and recovery, in particular the reuse and recycling of WEEE, including components and materials.

(2) In carrying out the duty mentioned in paragraph (1), the Secretary of State [^{F12}must] take appropriate measures so that—

- (a) eco-design requirements facilitating the re-use and treatment of WEEE established in [^{F13}accordance with Article 1(1)] of [Directive 2009/125/EC\(1\)](#) are applied; and
- (b) producers do not prevent, through specific design features or manufacturing processes, WEEE from being reused, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment or safety requirements.

(1) OJ No L 285, 31.10.2009, p.10.

Textual Amendments

- F12** Word in [reg. 74\(2\)](#) substituted (25.7.2014) by virtue of [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), 3(3), **Sch. 2 Pt. 1**
- F13** Words in [reg. 74\(2\)\(a\)](#) substituted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **19(10)** (as amended by [S.I. 2020/1540](#), regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I7** Reg. 74 in force at 1.1.2014, see [reg. 1\(2\)](#)

Duties of the appropriate authority in relation to registration of small producers

75.—(1) The appropriate authority must grant an application for registration where an applicant—

- (a) has complied with the requirements of regulation 16;
- (b) is not a member of a producer compliance scheme; and
- (c) does not appear in the register of producers maintained by the appropriate authority under [^{F14}regulation 77],

otherwise the appropriate authority must refuse the application.

(2) Where the application for registration is granted, the [^{F15}appropriate authority] must, within 28 days of receipt of the application—

- (a) confirm to the applicant that he is registered with the appropriate authority; and
- (b) subject to paragraph (3), allocate a new producer registration number to the producer and confirm it in writing.

(3) If the applicant appeared on the register maintained under [^{F16}regulation 77] during any of the five previous compliance periods preceding the compliance period during which the application for registration is made, the appropriate authority must, instead of allocating a new producer registration number, allocate the applicant's most recently allocated producer registration number.

Textual Amendments

- F14** Words in [reg. 75\(1\)\(c\)](#) substituted (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), **2(10)**
- F15** Words in [reg. 75\(2\)](#) substituted (25.12.2015) by [The Waste Electrical and Electronic Equipment \(Amendment\) Regulations 2015 \(S.I. 2015/1968\)](#), regs. 1, **2(36)**
- F16** Words in [reg. 75\(3\)](#) substituted (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), **2(10)**

Commencement Information

- I8** Reg. 75 in force at 1.1.2014, see [reg. 1\(2\)](#)

Approval of compliance fee; methodology and administration

76.—(1) The Secretary of State may, after consultation with such persons or bodies as appear to him representative of the interests concerned, approve—

- (a) a methodology for the calculation of a compliance fee; and
- (b) the appointment of a third party to oversee the administration of that compliance fee.

(2) Any person or body referred to in paragraph (1) may submit a proposed methodology to the Secretary of State by no later than 30th September in the compliance period in which the methodology will apply.

[^{F17}(3) The Secretary of State must publish the methodology for the calculation of a compliance fee where one has been approved in accordance with paragraph (1).]

(4) Any methodology approved by the Secretary of State in accordance with paragraph (1) will take into account the different costs associated with the collection, treatment, recovery and environmentally sound disposal of each of the WEEE collection streams and will be set at a level which encourages schemes to take all reasonable steps to meet their collection target without recourse to the compliance fee.

(5) The Secretary of State will only approve one methodology in each compliance period.

Textual Amendments

- F17** Reg. 76(3) substituted (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), **2(11)**
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Commencement Information

- I9** Reg. 76 in force at 1.1.2014, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Waste Electrical and Electronic Equipment Regulations 2013, PART 9.