
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste Electrical and Electronic Equipment Regulations 2006 (SI 2006/3289) as amended by the Waste Electrical and Electronic Equipment (Amendment) Regulations 2007 (SI 2007/3454) (“the 2006 Regulations”), which transpose the main provisions of Council Directive 2002/96/EC of 27th January 2003 on waste electrical and electronic equipment (OJ No L37, 13.2.2002, p 24) as amended by Council Directive 2003/108/EC (OJ No L345, 31.12.2003, p 106), Council Directive 2008/34/EC (OJ No L81, 20.3.2008, p 65) and Council Directive 2008/112/EC (OJ No L 345, 23.12.2008, p 68).

Paragraph 1(2) of the Schedule amends the definition of “evidence note”. Together with amendments made to regulation 46 (requirement for approval), regulation 47 (application for approval), and Schedule 8 Part 2 (conditions of approval of authorised treatment facilities) and Part 3 (conditions of approval of exporters) by paragraphs 14, 15, 21(3), (10) and (11) of the Schedule respectively these amendments permit approved authorised treatment facilities and approved exporters to issue evidence notes on receipt of WEEE instead of once it has been treated or exported.

Paragraph 1(3) of the Schedule includes a new definition of “non-obligated WEEE” and paragraph 16(10) of the Schedule inserts a new obligation in regulation 52 for approved authorised treatment facilities and approved exporters to report details of non-obligated WEEE received by them.

Paragraphs 2, 3, 4, 5, 8, 9, 12(3), 16(2)-(5) and (11) and 21(8) and (14) of the Schedule make various changes to the dates by which specific obligations under the 2006 Regulations must be performed.

Paragraph 6 of the Schedule amends regulation 26 (recovery) by removing the targets that must be met by operators of schemes for WEEE sent for treatment. Paragraph 21(9) of the Schedule amends Part 2 of Schedule 8 by imposing these targets on operators of approved authorised treatment facilities.

Paragraphs 7 and 11 of the Schedule amend regulation 27 (reporting: WEEE) and regulation 34 (record keeping) respectively by changing the reporting and record keeping obligations on operators of schemes. A consequential amendment is made to regulation 59A (record keeping).

Paragraph 10 of the Schedule amends regulation 33 (information) by providing that the information that a distributor who supplies new EEE must make available to users shall be in writing.

Paragraph 12 of the Schedule amends regulation 41 (application for approval of a proposed scheme) by removing the three year period for which schemes will be approved. Approval will now continue in force unless it is withdrawn under regulation 44. Paragraph 13 of the Schedule amends regulation 43 (conditions of approval) by providing that operators of schemes must provide the appropriate authority with an updated operational plan each year. Consequential amendments are made to Schedule 7 (approval of proposed schemes) by paragraph 20 of the Schedule.

Paragraph 16 of the Schedule amends regulation 52 (reporting) by making changes to the reporting obligations on operators of approved authorised treatment facilities or approved exporters.

Paragraph 17 of the Schedule amends regulation 58 (evidence notes) by removing the power of the Secretary of State to buy, sell or issue evidence notes.

Paragraph 21 of the Schedule amends Schedule 8 (approval of authorised treatment facilities and exporters) by providing that an application for approval must be made for each separate facility and obliging operators and approved exporters to comply with regulation 52 and to have systems and procedures in place to ensure accurate data is reported.

Status: *This is the original version (as it was originally made).*

An impact assessment (“IA”) is available and a copy can be obtained from the Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET. A copy has been placed in the libraries of both Houses of Parliament and is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.