

2010 No. 1155

ENVIRONMENTAL PROTECTION

**The Waste Electrical and Electronic Equipment (Amendment)
Regulations 2010**

Made - - - - *31st March 2010*

Laid before Parliament *6th April 2010*

Coming into force in accordance with regulation 1(2) to (4)

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in respect of matters relating to the prevention and recovery of waste electrical and electronic equipment.

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act, makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Waste Electrical and Electronic Equipment (Amendment) Regulations 2010.

(2) Subject to paragraphs (3) and (4), these Regulations shall come into force on 1st June 2010.

(3) Regulation 2(3) shall come into force on 1st December 2010.

(4) Regulation 2(4) shall come into force on 1st June 2015.

Amendments

2.—(1) The Waste Electrical and Electronic Equipment Regulations 2006(c) are amended as follows.

(2) In regulation 2, for the definition of “dangerous substance or preparation” substitute—

““dangerous substance or mixture” means any substance or mixture which has to be considered dangerous under Council Directive 67/548/EEC of 27th June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances(d) or Directive 1999/45/EC of the European Parliament and of the Council of 31st May 1999 concerning the approximation of laws, regulations and administrative provisions of the

(a) S.I. 2004/706.

(b) 1972 c.68. Under section 57 of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland.

(c) S.I. 2006/3289 as amended by S.I. 2007/3454 and S.I. 2009/2957.

(d) OJ No L196, 16.8.1967, p1.

Member States relating to the classification, packaging and labelling of dangerous preparations(a);”

(3) In regulation 2, for the definition of “dangerous substance or mixture” substitute—

““dangerous substance or mixture” means any mixture which has to be considered dangerous under Directive 1999/45/EC of the European Parliament and of the Council of 31st May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations or any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16th December 2008 on classification, labelling and packaging of substances and mixtures(b):

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1; and
- (iv) hazard class 5.1;”.

(4) In regulation 2, for the definition of “dangerous substance or mixture” substitute—

““dangerous substance or mixture” means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16th December 2008 on classification, labelling and packaging of substances and mixtures:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1; and
- (iv) hazard class 5.1;”.

(5) In regulation 17(2)(b), for “preparations” substitute “mixtures”.

(6) In regulation 20(2), for “15th October” substitute “15th November”.

(7) In regulation 20(6), for “1st December of the year immediately preceding the commencement” substitute “15th January”.

31st March 2010

Ian Lucas
Minister for Business and Regulatory Reform,
Department for Business, Innovation and Skills

(a) OJ No L 200, 30.7.1999, p1.
(b) OJ No L 353, 31.12.2008, p1.

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) and the Waste Electrical and Electronic Equipment (Amendment) Regulations 2009 (SI 2009/2957) (“the 2006 Regulations”). The 2006 Regulations 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) and Council Directive 2008/34/EC (OJ No L81, 20.3.2008, p 65) (“the WEEE Directive”).

These Regulations transpose amendments to the WEEE Directive made by Council Directive 2008/112/EC (OJ No L 345, 23.12.2008, p 68).

Regulation 2(2) amends the definition of “dangerous substance or preparation” so that it now refers to “dangerous substance or mixture”. Regulation 2(5) makes a consequential amendment to regulation 17(2)(b) of the 2006 Regulations.

Regulation 2(3) applies from 1st December 2010, removes from the new definition of “dangerous substance or mixture” any substance or mixture which has to be considered dangerous under Council Directive 67/548/EEC (OJ No 196, 16.8.67, p. 1) and adds to it any substance which fulfils the criteria for certain stated hazard classes or categories in Annex I of Regulation (EC) No 1272/2008 (OJ No L 353, 31.12.2008, p. 1).

Regulation 2(4) applies from 1st June 2015 and removes from the definition of “dangerous substance or mixture” any mixture which has to be considered dangerous under Council Directive 1999/45/EC (OJ L 200, 30.7.1999, p. 1).

Regulation 2(6) and (7) make changes to the dates by which operators of schemes must apply to register members of their schemes and by which the appropriate authority shall confirm registration respectively.

An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. As these regulations transpose amendments to the WEEE Directive a transposition note has been prepared 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.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2010 No. 1155

ENVIRONMENTAL PROTECTION

The Waste Electrical and Electronic Equipment (Amendment)
Regulations 2010

£4.00