

---

STATUTORY INSTRUMENTS

---

**2013 No. 3113**

The Waste Electrical and Electronic  
Equipment Regulations 2013

PART 6

MISCELLANEOUS

**Financing obligation: Collection of WEEE from users other than private households**

47.—(1) Where WEEE from a user other than a private household arises from EEE placed on the market in the United Kingdom before 13th August 2005 and regulation 12(1)(b) does not apply, the final user of that WEEE will finance the costs of its collection, treatment, recovery and environmentally sound disposal.

(2) Nothing will prevent a user other than a private household from concluding an agreement with a third party whereby the parties to the agreement make alternative arrangements between themselves to finance the costs of collection, treatment, recovery and environmentally sound disposal of WEEE.

(3) In respect of any WEEE which he is responsible for financing the costs of under paragraph (1), a user other than a private household will ensure that such WEEE is—

- (a) treated at an ATF, or
  - (b) exported by an approved exporter for treatment outside the United Kingdom.
- (4) Paragraph (3) does not apply to WEEE reused as a whole appliance.

**Obligation to optimise the reuse and recycling of WEEE**

48. Any person who collects or transports WEEE in connection with the carrying out of any obligation under regulations 28 or 29 will ensure that all such WEEE is collected and transported in a way that optimises reuse and recycling of that equipment or of components of that equipment.

**WEEE from private households which presents a health and safety risk**

49. Nothing in these Regulations will prevent any person from refusing to handle WEEE from private households that presents a health and safety risk to any individual because of contamination.

**Take back: WEEE from private households**

50. Nothing in these Regulations will prevent an operator of a scheme from establishing and operating a system to take back WEEE from private households provided that system is consistent with the Directive.

**Prohibition on showing the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households**

51. No person will show a purchaser at the time of sale of new EEE the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households.

**Final holder right of return: WEEE from private households**

52.—(1) A final holder may return WEEE from private households free of charge to the system that has been set up by an operator of a scheme that has been approved under regulation 55 for the purposes of complying with that operator of a scheme’s obligations in relation to WEEE from private households under regulation 28.

(2) For the purposes of paragraph (1), “system” means a system that an operator of a scheme has set up—

- (a) in accordance with regulations 30, 31 and 32; and
- (b) under regulation 50.

(3) For the purposes of this regulation, “final holder” means a final holder of WEEE from private households who is not able for any reason to return that WEEE free of charge to a designated collection facility.

**Notification of an intention to retain WEEE falling within certain WEEE streams**

53.—(1) The operator of a designated collection facility that is operated by a local authority may retain WEEE in any compliance period, which—

- (a) falls within one of the six WEEE collection streams; and
- (b) has been deposited for collection at that operator of a schemes facility

provided that the operator of the facility has notified the Secretary of State of their intention to retain that WEEE.

(2) A notification submitted to the Secretary of State under paragraph (1), will—

- (a) be made in writing;
- (b) be submitted to the Secretary of State by 31st January in the compliance period during which the operator intends to retain WEEE;
- (c) be valid only during the compliance period specified in paragraph (b);
- (d) provide data relating to the tonnage of WEEE deposited at the designated collection facility in the compliance period before the compliance period during which the operator intends to retain WEEE in relation to each of the five WEEE streams that the operator intends to retain; and
- (e) confirm that any WEEE retained by the operator of a designated collection facility in accordance with paragraph (1) will be—
  - (i) prepared for re-use,
  - (ii) treated at an AATF; or
  - (iii) exported by an approved exporter for treatment outside the United Kingdom.

(3) The Secretary of State will acknowledge receipt of any notification submitted under paragraph (2) by 28th February in the compliance period during which the operator intends to retain WEEE falling within a particular WEEE stream.

(4) A notification submitted under paragraph (2) which has been acknowledged by the Secretary of State under paragraph (3) permits the operator of the facility submitting the notification to retain

WEEE falling within the WEEE streams listed in the notification during the compliance period during which the notification applies.

(5) By 31st January in the compliance period following that to which a notification made under paragraph (2) relates, the operator of a facility who submitted that notification will provide to the appropriate authority information on the total amount in tonnes of WEEE that has been retained during the previous compliance period.

(6) The information referred to in paragraph (5) will—

- (a) be in writing;
- (b) specify the amount of WEEE retained in each WEEE stream listed in the notification submitted under paragraph (2) in the previous compliance period;
- (c) be submitted in a format published by the Secretary of State.

(7) Any WEEE that is retained by the operator of a designated collection facility under this regulation will—

- (a) be treated at an AATF; or
- (b) exported by an approved exporter for treatment outside the United Kingdom.

#### **Shipments of used EEE**

**54.**—(1) An approved exporter who exports used EEE will comply with the requirements of Schedule 9.

(2) The records referred to in Schedule 9 will be kept for a period of at least four years commencing on the date on which any such record is made and will be made available to the appropriate authority on demand.