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STATUTORY INSTRUMENTS

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**2013 No. 3113**

The Waste Electrical and Electronic  
Equipment Regulations 2013

PART 9

POWERS AND DUTIES OF THE SECRETARY OF STATE

**Take back: Application to use existing collection facilities**

**69.**—(1) Where a distributor to whom regulation 43(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 will be required to—

- (a) comply with all of the obligations which a take back scheme will discharge on behalf of its members; or
- (b) submit an application to the Secretary of State requesting permission to use existing take back facilities.

(2) The application referred to in paragraph (1)(b) will—

- (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) will 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 will 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 will, on or before 15th January provide written notification to the distributor that their application has been approved.