

EXPLANATORY MEMORANDUM TO
THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (AMENDMENT)
REGULATIONS 2015

2015 No. 1968

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business Innovation and Skills and is laid before by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the Waste Electrical and Electronic Equipment Regulations 2013 (SI 2013/3113) (“the WEEE Regulations”) which transpose the main provisions of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) which recasts Directive 2002/96/EC (“the WEEE Directive”).

2.2 The main purpose of the WEEE Directive is the protection of the environment and human health. It provides that producers of electrical and electronic equipment will be financially responsible for managing the waste that arises from products they place on the Union market. This policy is intended to promote greater efficiencies in the management of waste from this type of equipment. The Directive provides that member States must establish systems for the collection, treatment, recovery and environmentally sound disposal of most types of waste electrical and electronic equipment and that the costs of these systems must be largely borne by the producers of such equipment.

2.3 These Regulations amend the WEEE Regulations in order to:

- (a) provide for an adjustment to producer and producer compliance scheme financial obligations in specific circumstances;
- (b) maintain the meaning of certain regulations in light of the European Commission’s interpretation of the meaning of “WEEE from private households” as defined Directive 2012/19/EU, which interpretation was published the Commission’s FAQ document in April 2014;
- (c) clarify the meaning of certain regulations
- (d) correct a number of minor drafting errors in the WEEE Regulations which have been brought to the attention of the Department following publication of the WEEE Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The WEEE Regulations transpose the main provisions of Council Directive 2012/19/EU of 4th July 2012 on waste electrical and electronic equipment (OJ No L197, 24.7.2012, p38) into UK law. This instrument, which amends the WEEE Regulations, makes some administrative corrections and inconsistencies and adds clarity to specific regulations.
- 4.2 The 2013 WEEE Regulations impose a system of WEEE collection targets based on the market share of electrical and electronic equipment placed on the UK market by producers. These amending regulations enable those collection targets to take account of EEE put on the market but that was subsequently exported during the year and to be adjusted in the event that a member of a Producer Compliance Scheme enters administration, liquidation or receivership. It embeds into the regulations the regulatory position currently adopted by the regulators. The 2013 Regulations copy out the Directive definition of “WEEE from Private Households”. The adopting of the Commission’s interpretation published in April 2014 means that in some cases WEEE arising from businesses is now classified as household WEEE. In order to ensure that existing provisions made in Regulation 51 (Prohibition on showing the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households) and Regulation 52 (final holder right of return: WEEE from private households) maintain their current meaning it has been necessary to make an amendment.
- 4.3 Regulation 34 sets out the conditions in which local authorities can request a Producer Compliance Scheme to collect WEEE from Designated Collection Facilities. The amending regulation provides greater clarity on the conditions that must be met in relation to collections under Regulation 34.

5. Extent and Territorial Application

- 5.1 This instrument extends to all of the United Kingdom.
- 5.2 This instrument applies throughout the United Kingdom

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The policy background to the WEEE Directive is set out the Explanatory Memorandum that accompanied the 2013 WEEE Regulations, which is attached to this Memorandum as Annex B. There are no new policy issues arising from this amending Regulation.

Consolidation

- 7.2 The Department has no plans to consolidate this amending legislation.

8. Consultation outcome

- 8.1 No formal consultation has not been undertaken in relation to this instrument as the amendments made are either administrative in nature or, seek to correct defective

drafting in the WEEE Regulations. There will be no new burdens on stakeholders as a result of these amendments.

9. Guidance

- 9.1 No changes to existing guidance on the 2013 WEEE Regulations are required as a consequence of the amendments introduced by this instrument. The existing guidance can be found at <https://www.gov.uk/government/collections/producer-responsibility-regulations#waste-electrical-and-electronic-equipment-weee>

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An impact assessment has not been prepared for this instrument because no additional impacts (to those considered in the Impact Assessments which accompanied the 2013 WEEE Regulations) are envisaged as a result of these amendments.
- 10.4 Two impact assessments were prepared in relation to the 2013 WEEE regulations. One assessment looked at the impacts of the different options for reform of the UK WEEE system and the second assessment, prepared after consultation, looked at the impact of the preferred option. Two impact assessments were prepared in relation to the 2013 WEEE Regulations. These assessments can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/186971/bis-13-763-impact-assessment-of-recast-directive-2012-19-eu-on-waste-electrical-and-electronic-equipment-weee.pdf

11. Regulating small business

- 11.1 The legislation applies to activities that are undertaken by small businesses. but does not introduce any obligations beyond those in the 2013 WEEE Regulations
- 11.2 These Regulations do not impose additional obligations on small businesses

12. Monitoring & review

- 12.1 The 2013 WEEE Regulations will be reviewed by 1st January 2019, five years after they come into force on 1st January 2014. Should it be decided that the legislation is no longer fit for purpose following this review, the legislation will be amended accordingly.

13. Contact

- 13.1 Graeme Vickery at the Department of Business Innovation and Skills Telephone: 020 7215 1836 or email: graeme.vickery@bis.gsi.gov.uk can answer any queries regarding the instrument.