

2018 No. 102

ENVIRONMENTAL PROTECTION

**The Waste Electrical and Electronic Equipment (Amendment)
Regulations 2018**

<i>Made</i>	- - - -	<i>24th January 2018</i>
<i>Laid before Parliament</i>		<i>31st January 2018</i>
<i>Coming into force</i>	- -	<i>1st March 2018</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State is a Minister designated for the purposes of section 2(2) of that Act in relation to the prevention and recovery of waste electrical and electronic equipment(b).

Citation and commencement

1. These Regulations may be cited as the Waste Electrical and Electronic Equipment (Amendment) Regulations 2018 and come into force on 1st March 2018.

Amendment to the Waste Electrical and Electronic Equipment Regulations 2013

2.—(1) The Waste Electrical and Electronic Equipment Regulations 2013(c) are amended as follows.

(2) In regulation 2, after the definition of “LED light source”, insert—

““local authority” means—

- (a) in England, Wales and Scotland, an authority mentioned in section 30(2) of the Environmental Protection Act 1990(d);
- (b) in Northern Ireland, a district council within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972(e);”.

(3) For regulation 34, substitute—

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- (a) 1972 c.68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). Under section 57 of the Scotland Act 1998 (c.46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Union law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by him as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.
 - (b) S.I. 2004/706.
 - (c) S.I. 2013/3113; relevant amending instruments are S.I. 2014/1771, 2015/1968.
 - (d) 1990 c. 43; section 30(2) has been amended by paragraph 17(2) of Schedule 9 to the Local Government (Wales) Act 1994 (c.19) and paragraph 167(3) of Schedule 13 to the Local Government etc (Scotland) Act 1994 (c.39).
 - (e) 1972 c. 9 (N.I.).

“34.—(1) If paragraph (2) applies, the operator of a designated collection facility may require any scheme operator to arrange for the collection and treatment of deposited WEEE from that facility.

(2) This paragraph applies where there is no contract in place for the collection and treatment of WEEE that is in the same WEEE collection stream as deposited WEEE between the operator of the designated collection facility and—

- (a) the scheme operator required to take action under paragraph (1), or
- (b) any other scheme operator.

(3) Nothing in this regulation—

- (a) prevents the operator of the designated collection facility from contacting more than one scheme operator before taking action under paragraph (1);
- (b) prevents the scheme operator required to take action under paragraph (1) from entering into an arrangement with other scheme operators to arrange for the collection and treatment of the deposited WEEE;
- (c) obliges the scheme operator required to take action under paragraph (1) to collect and treat any WEEE which the operator of the designated collection facility is approved to retain under regulation 53.

(4) In this regulation—

“deposited WEEE” means WEEE deposited at the designated collection facility mentioned in paragraph (1);

“operator of a designated collection facility means—

- (a) a local authority, or
- (b) a person operating a designated collection facility on behalf of a local authority;

“scheme operator” means an operator of a scheme approved under regulation 55 for the purpose of complying with obligations under regulation 28 relating to WEEE from private households.”.

(4) After regulation 35(1)(a), insert—

“(b) the total amount in tonnes of WEEE that the operator has been responsible for delivering to an AATF for treatment or to an approved exporter of whole appliances for reuse outside the United Kingdom;”.

24th January 2018

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste Electrical and Electronic Equipment Regulations 2013 (S.I. 2013/3113) (“the 2013 Regulations”). The 2013 Regulations implement Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (OJ No L 197, 24.07.2012, p 38).

Regulation 2 substitutes regulation 34 of the 2013 Regulations to make new provision for the collection, treatment, recovery and disposal of waste electrical and electronic equipment (WEEE) deposited at designated collection facilities.

It also inserts a new reporting requirement into regulation 35 of the 2013 Regulations, relating to the amount of WEEE sent for treatment or for reuse outside the United Kingdom.

An impact assessment has not been produced for this instrument as no impact, or no significant impact, on the private, voluntary or public sector is foreseen.

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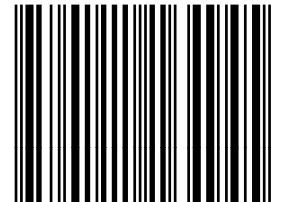
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