

SCHEDULE

Regulation 2

Amendments to the Waste Electrical and Electronic Equipment Regulations 2006

Amendments to Part 1 (general)

- 1.—(1) Regulation 2 (interpretation) is amended as follows.
- (2) In paragraph (1)—
 - (a) in the definition of “evidence note”—
 - (i) for sub-paragraph (a)(i) substitute—

“(i) an operator of an AATF, as evidence of the receipt of tonnage of WEEE specified in the note for—
 - (aa) reuse as a whole appliance,
 - (bb) treatment at an ATF, or
 - (cc) recovery or recycling at a reprocessor, or”;
 - (ii) for sub-paragraph (a)(ii) substitute—

“(ii) an approved exporter, as evidence of the export of tonnage of WEEE specified in the note for—
 - (aa) reuse as a whole appliance, or
 - (bb) treatment, recovery or recycling, outside the United Kingdom; and”;
- (b) in the definition of “exporter”, for “treatment, recovery and” substitute “reuse as a whole appliance, treatment, recovery or”.

Amendments to Part 3 (producer obligations)

- 2.—(1) Regulation 8 (financing: WEEE from private households) is amended as follows.
- (2) In paragraph (1)(b), after “regulation 32” insert “or 40A”.
- (3) In paragraph (3), after “regulation 32” insert “or 40A”.

Amendments to Part 4 (scheme obligations)

- 3.—(1) Regulation 20 (application to register producers) is amended as follows.
- (2) In paragraph (6), after “that compliance period” insert “or within 28 days of the date of an application made under paragraph (2), whichever is the later”.
- 4.—(1) Regulation 22 (financing: WEEE from private households) is amended as follows.
- (2) In paragraph (3), after “regulation 32” insert “or 40A”.
- (3) In paragraph (9)(b), for “paragraph (1)” substitute “regulation 8(1)”.
- 5.—(1) Regulation 24 (prioritise the reuse of whole appliances) is amended as follows.
- (2) In the side note, for “Prioritise” substitute “Prioritisation of”.
- 6.—(1) Regulation 27 (reporting: WEEE) is amended as follows.
- (2) In paragraph (1)(b), for “units” substitute “tonnes”.
- (3) In paragraph (2)(b), for “regulation 60” substitute “regulation 62”.

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(4) For paragraph (3)(b), substitute—

- “(b) for each category referred to in sub-paragraph (a), specify the amount in tonnes of—
- (i) WEEE from private households; and
 - (ii) WEEE from users other than private households.”.

7.—(1) Regulation 28 (reporting: EEE put on the market) is amended as follows.

(2) In paragraph (2)(e), for “regulation 60” substitute “regulation 62”.

8.—(1) Regulation 30 (record keeping) is amended as follows.

(2) For paragraph (1)(c), substitute—

- “(c) for each category referred to in sub-paragraph (b), specify the amount in tonnes of—
- (i) WEEE from private households; and
 - (ii) WEEE from users other than private households; and”.

(3) In paragraph (1)(d), for “units” substitute “tonnes”.

Amendment to Part 5 (distributor obligations and rights: WEEE from private households)

9.—(1) Regulation 34 (record keeping) is amended as follows.

(2) After paragraph (4), insert the following new paragraph (5)—

- “(5) The records referred to in this regulation shall be kept in the format published by the Secretary of State under regulation 59A.”.

Amendment to Part 6 (miscellaneous)

10. After regulation 40 insert the following new regulation 40A—

“Final holder right of return: WEEE from private households

40A.—(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 41 for the purposes of complying with that operator of a scheme’s obligations in relation to WEEE from private households under regulation 22.

(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 24, 25 and 26; and
- (b) under regulation 39.

(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.”.

Amendments to Part 7 (approval of proposed schemes and withdrawal of approval of schemes)

11.—(1) Regulation 41 (application for approval of a proposed scheme) is amended as follows.

(2) In paragraph (6)(b), for “the approval shall take effect” substitute “the approval shall cover the period”.

12.—(1) Regulation 43 (conditions of approval) is amended as follows.

(2) In paragraph (d)(ii)(aa), after “regulation 20” insert “or 21”.

(3) In paragraph (g), for “from a distributor free of charge in accordance with regulation 32” substitute—

“free of charge from—

(i) a distributor in accordance with regulation 32; and

(ii) a final holder in accordance with regulation 40A”.

13.—(1) Regulation 44 (withdrawal of approval of a scheme) is amended as follows.

(2) In paragraph (1)(a)(ii), after “false” insert “or misleading”.

(3) In paragraph (3)—

(a) for “determined” substitute “dismissed”;

(b) in sub-paragraph (a), for “when” substitute “of”; and

(c) in sub-paragraph (d), before “the obligation” insert “a statement of”.

Amendments to Part 8 (approval of authorised treatment facilities and exporters)

14.—(1) Regulation 46 (requirement for approval) is amended as follows.

(2) For “treatment” substitute “reuse, treatment” wherever that word occurs.

(3) In paragraph (1), for “received at” substitute “received by, or on behalf of”.

15.—(1) Regulation 47 (application for approval) is amended as follows.

(2) For paragraph (2)(a)(i) and (ii), substitute—

“(i) the reuse of WEEE as a whole appliance,

(ii) the treatment of WEEE at an ATF, and

(iii) the recovery or recycling of WEEE at a reprocessor; or”.

(3) For paragraph (2)(b), substitute—

“(b) an exporter, to issue an evidence note in relation to WEEE that is exported for reuse as a whole appliance, treatment, recovery or recycling in one or more specified reuse, treatment, recovery or recycling operations at a specified site outside the United Kingdom, or a combination of such operations,”.

(4) In paragraph (3)(b)(ii), after “one or more” insert “reuse,”.

16.—(1) Regulation 48 (application for extension of approval of an exporter to an additional site) is amended as follows.

(2) In paragraph (1), after “export WEEE for” insert “reuse,”.

(3) In paragraph (5)—

(a) for “granted under paragraph (3),” substitute “granted under paragraph (2) or (3)”; and

(b) for “decision under paragraph (3)” substitute “that decision”.

17.—(1) Regulation 50 (suspension and cancellation of approval) is amended as follows.

(2) In paragraph (1)(c), after “false” insert “or misleading”.

18.—(1) Regulation 52 (reporting) is amended as follows.

(2) In paragraph (3)(a)—

(a) in sub-paragraph (viii), after “that sub-paragraph,” delete “and”; and

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- (b) for sub-paragraph (ix) substitute—
- “(ix) the total amount in tonnes of WEEE in respect of which evidence of reuse as a whole appliance has been issued by that AATF under these Regulations;
 - (x) where sub-paragraph (ix) applies and the evidence relates to WEEE that has not been received at the premises of that AATF, the name and address of the reuse establishment or undertaking in receipt of that WEEE; and
 - (xi) where sub-paragraph (a)(i), (ii), (iii), (v), (vii) or (ix) applies, details of the amount in tonnes of WEEE shall be provided by reference to the following categories—
 - (aa) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
 - (bb) display equipment,
 - (cc) cooling appliances containing refrigerants, and
 - (dd) gas discharge lamps,and in the case of each category shall specify the amount in tonnes of WEEE from private households and WEEE from users other than private households;
- (3) For paragraph (3)(b), substitute—
- “(b) in the case of an approved exporter, the total amount of WEEE in tonnes exported for reuse as a whole appliance, treatment, recovery or recycling by reference to the following categories—
- (i) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
 - (ii) display equipment,
 - (iii) cooling appliances containing refrigerants, and
 - (iv) gas discharge lamps,
- and in the case of each category shall specify the amount in tonnes of WEEE from private households and WEEE from users other than private households; and”.
- (4) In paragraph (5)—
- (a) for “28th February” substitute “31st May”; and
 - (b) in sub-paragraph (b), after “exported for” insert “reuse as a whole appliance,”.

Amendments to Part 9 (powers and duties of the Secretary of State)

- 19.**—(1) Regulation 58 (evidence notes) is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a)(ii), after “regulation 32” insert “or 40A”; and
 - (b) in sub-paragraph (c), for “treatment, recovery and” substitute “reuse as a whole appliance, treatment, recovery or”.
- 20.** After regulation 59 (product design) insert the following new regulation 59A—

“Record keeping

59A. The Secretary of State shall publish the format in which the records referred to in regulation 34 shall be kept.”.

Amendments to Part 10 (duties of the appropriate authorities)

- 21.**—(1) Regulation 61 (monitoring) is amended as follows.
- (2) In paragraph (e), for “an application for registration” substitute “a notification”.
- 22.**—(1) Regulation 63 (information) is amended as follows.
- (2) In paragraph (1)—
- (a) for “The appropriate authority” substitute “An appropriate authority”; and
- (b) in sub-paragraph (b)(ii), after “regulation 32” insert “or 40A”.
- (3) In paragraph (2)—
- (a) delete “or” at the end of sub-paragraph (a); and
- (b) in sub-paragraph (b), after “regulation 44(3)” insert—
- “; or
- (c) by another appropriate authority”.

Amendments to Part 11 (disclosure of information)

- 23.**—(1) Regulation 65 (disclosure of information) is amended as follows.
- (2) In paragraph (5), for “No person” substitute “Subject to paragraph (6), no person”.
- (3) After paragraph (5) insert the following new paragraph (6)—
- “(6) A person commits an offence if he discloses information in contravention of paragraph (3).”.

Amendment to Part 12 (appeals)

- 24.**—(1) Regulation 69 (status of a decision pending appeal) is amended as follows.
- (2) In paragraph (b), for “cancellation” substitute “approval”.

Amendments to Part 13 (enforcement)

- 25.**—(1) Regulation 70 (enforcement) is amended as follows.
- (2) In paragraph (2), after “37,” insert “43, 46,”.
- 26.**—(1) Regulation 71 (enforcement notice) is amended as follows.
- (2) In paragraph (1)(b) after “19 to 30” insert “and 43”.
- 27.**—(1) Regulation 72 (entry and inspection) is amended as follows.
- (2) In paragraph (1), for “paragraphs (2) and (3)” substitute “this regulation”.
- (3) In paragraph (2)—
- (a) in sub-paragraph (f)(iii), for “in evidence” substitute “as evidence”; and
- (b) in sub-paragraph (g), delete “or the authorised person”.
- (4) In paragraph (6)—
- (a) for “shall direct” substitute “may direct”; and
- (b) for “sub-paragraph (c)” substitute “paragraph (2)(c)”.

Amendments to Part 14 (offences and penalties)

28.—(1) Regulation 73 (offences) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraphs (b)(i) and (c)(i), after “false” insert “or misleading”; and
- (b) in sub-paragraphs (b)(ii) and (c)(ii), for “false and” substitute “false or”.

(3) In paragraph (3)—

- (a) in sub-paragraph (a), for “or 30” substitute “, 30 or 43”;
- (b) in sub-paragraphs (b)(i) and (c)(i), after “false” insert “or misleading”; and
- (c) in sub-paragraphs (b)(ii) and (c)(ii), for “false and” substitute “false or”.

(4) In paragraph (7)—

- (a) in sub-paragraph (b)(i), after “false” insert “or misleading”; and
- (b) in sub-paragraph (b)(ii), for “false and” substitute “false or”.

29.—(1) Regulation 74 (penalties) is amended as follows.

(2) In paragraph (2), after “40(4),” insert “65(6),”.

Amendments to Schedule 6 (information to be included in an application for registration of producers and notification of new scheme members)

30.—(1) Schedule 6 is amended as follows.

(2) In paragraph 1, after “registration” insert “or notification”.

(3) Delete paragraph 4.

(4) In paragraph 5, after “the principal place of business” delete “in the United Kingdom”.

(5) In paragraph 6, for “paragraphs 4 and 5” substitute “paragraph 5”.

Amendments to Schedule 7 (approval of proposed schemes and schemes)

31.—(1) Schedule 7 is amended as follows.

(2) In paragraph 3 of Part 1 (information to be included in an application for approval) after “telephone number” delete “in the United Kingdom”.

(3) In Part 3 (information to be included in the operational plan)—

(a) in paragraph (c),

- (i) in sub-paragraph (iii) after “approved exporter;” delete “and”,
- (ii) in sub-paragraph (iv) after “contingency plans;” insert “and”, and
- (iii) after sub-paragraph (iv) insert the following new sub-paragraph (v)—

“(v) the names and addresses of the AATFs and approved exporters that the operator of the proposed scheme intends to use to obtain evidence of WEEE reused as a whole appliance and the estimated amounts in tonnes of WEEE in respect of which such evidence is expected to be issued by each such AATF and approved exporter;” and

(b) in paragraph (h) for “from distributors free of charge in accordance with regulation 32” substitute—

“free of charge from—

- (i) distributors in accordance with regulation 32; and

(ii) final holders in accordance with regulation 40A”.

(4) In paragraph 2(d) of Part 4 (requirements for approval of a proposed scheme and for continued approval of a scheme), for “from distributors free of charge in accordance with regulation 32” substitute—

“free of charge from—

- (i) distributors in accordance with regulation 32; and
- (ii) final holders in accordance with regulation 40A”.

Amendments to Schedule 8 (approval of authorised treatment facilities and exporters)

32.—(1) Schedule 8 is amended as follows.

(2) In Part 1 (information to be included in an application for approval)—

- (a) in paragraph 1, for “AFT” substitute “ATF”;
- (b) in paragraph 7,
 - (i) in sub-paragraph (a) after “export WEEE for” insert “reuse as a whole appliance,”;
 - (ii) in sub-paragraph (b)(i) after “that site for” insert “reuse as a whole appliance,”; and
 - (iii) in sub-paragraph (b)(ii) after “applicable” insert “reuse,”.

(3) In Part 2 (conditions of approval of authorised treatment facilities)—

- (a) in paragraph 1 for “ATF” substitute “AATF”;
- (b) after paragraph 2 insert the following new paragraph 2A—

“**2A.** An evidence note for reuse as a whole appliance shall only be issued with respect to WEEE from private households that—

 - (a) has been deposited at a designated collection facility; or
 - (b) has been returned under regulation 32 or 40A and has not been deposited at a designated collection facility.”;
- (c) in paragraph 3 for “treatment, recovery and” substitute “reuse as a whole appliance, treatment, recovery or”;
- (d) for paragraph 4 substitute the following new paragraphs—

“**4.** The amount of WEEE recorded on an evidence note shall be recorded in tonnes but any fraction of a whole tonne shall be recorded in kilograms and such a fraction shall be—

- (a) rounded up to the nearest whole kilogram where the part kilogram is 0.5 or more; and
- (b) rounded down to the nearest whole kilogram where the part kilogram is less than 0.5.

4A. Where—

- (a) the result of rounding up under paragraph 4(a) is 1000 kilograms, or
- (b) the result of rounding down under paragraph 4(b) is 0 kilograms,

the total amount shall be recorded in tonnes.”;

- (e) delete paragraph 6;
- (f) after paragraph 8 insert the following new paragraphs 8A and 8B—

“**8A.** An evidence note for reuse as a whole appliance shall not be issued by an operator of an AATF—

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- (a) for more than the total amount of WEEE received for reuse as a whole appliance by, or on behalf of, that AATF in the relevant approval period; or
- (b) for any WEEE in respect of which evidence of reuse has been issued by another AATF or an approved exporter.

8B. An evidence note for reuse as a whole appliance, treatment, recovery or recycling shall only be issued by an AATF in a format approved by the Secretary of State.”;

- (g) for paragraph 9(c) to (e) substitute—

- “(c) the Secretary of State; or
- (d) the operator of a designated collection facility.”; and

- (h) for paragraph 10, substitute—

“**10.** An evidence note which relates to—

- (a) WEEE received for treatment, recovery or recycling in any relevant approval period; or
- (b) WEEE that is reused as a whole appliance and has been deposited at a designated collection facility or returned under regulation 32 or 40A in any relevant approval period,

shall not be issued by an operator of an AATF after 30th April in the year immediately following the end of that relevant approval period.”.

- (4) In Part 3 (conditions of approval of exporters)—

- (a) in paragraph 1—

- (i) after “evidence note for” insert “reuse as a whole appliance,”;
- (ii) in sub-paragraph (a), after “ATF;” delete “or”;
- (iii) in sub-paragraph (b), for “reprocessor.” substitute “reprocessor; or”; and
- (iv) after sub-paragraph (b), insert the following new sub-paragraph (c)—

“(c) has been exported for reuse as a whole appliance to any establishment or undertaking located outside the United Kingdom.”;

- (b) for paragraph 2 substitute the following new paragraphs—

“**2.** The amount of WEEE recorded on an evidence note shall be recorded in tonnes but any fraction of a whole tonne shall be recorded in kilograms and such a fraction shall be—

- (a) rounded up to the nearest whole kilogram where the part kilogram is 0.5 or more; and
- (b) rounded down to the nearest whole kilogram where the part kilogram is less than 0.5.

2A. Where—

- (a) the result of rounding up under paragraph 2(a) is 1000 kilograms, or
- (b) the result of rounding down under paragraph 2(b) is 0 kilograms,

the total amount shall be recorded in tonnes.”;

- (c) delete paragraph 4;

- (d) in paragraph 5—

- (i) after “evidence note for” insert “reuse as a whole appliance,” wherever those words occur; and
- (ii) renumber sub-paragraph (c) as paragraph 5A;

- (e) for paragraph 6(c) to (e) substitute—
 - “(c) the Secretary of State; or
 - (d) the operator of a designated collection facility.”; and
 - (f) for paragraph 7, substitute—
 - “7. An evidence note which relates to—
 - (a) WEEE received for treatment, recovery or recycling in any relevant approval period; or
 - (b) WEEE that is reused as a whole appliance and has been deposited at a designated collection facility or returned under regulation 32 or 40A in any relevant approval period,
- shall not be issued by an approved exporter after 30th April in the year immediately following the end of that relevant approval period.”.

Amendments to Schedule 9 (criteria for approval as a designated collection facility)

- 33.**—(1) Schedule 9 is amended as follows.
- (2) Re-number paragraph (5)(1) as paragraph 5.
 - (3) In paragraph 5, before “treatment” insert “reuse as a whole appliance or” wherever that word occurs.

Amendments to Schedule 10 (public register)

- 34.**—(1) Schedule 10 is amended as follows.
- (2) In paragraph 2, after “the principal place of business” delete “in the United Kingdom”.
 - (3) In paragraph 5, after “his principal place of business” delete “in the United Kingdom”.

Amendments to Schedule 11 (procedure of appeals)

- 35.**—(1) Schedule 11 is amended as follows.
- (2) In paragraph 1(3), after “authority” insert “whose decision is being appealed”.
 - (3) In paragraph 4(3), for “it” substitute “its”.