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STATUTORY INSTRUMENTS

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**2013 No. 3113**

The Waste Electrical and Electronic  
Equipment Regulations 2013

PART 4

SCHEME OBLIGATIONS

**Registration of producers**

**25.**—(1) Subject to paragraph (2), an operator of a scheme will register each scheme member, with the appropriate authority for each compliance period, or part of a compliance period, during which that producer's membership of the scheme subsists.

(2) Paragraph (1) will not apply where regulation 27 applies.

**Application to register producers and authorised representatives**

**26.**—(1) Subject to paragraph (2), an operator of a scheme who is required by regulation 25 to register the scheme members of that scheme will for the purpose of registering scheme members for any compliance period, or any part of a compliance period, make an application to the appropriate authority on or before 30th November in the year immediately preceding the commencement of that compliance period.

(2) Where a producer or an authorised representative becomes a member of a scheme after 15th November in the year immediately preceding the commencement of the relevant compliance period, the operator of the scheme will make an application to register that producer or authorised representative to the appropriate authority within 28 days of the date when that producer or authorised representative becomes a member of the scheme.

(3) Where the operator of the scheme is a partnership, an application for registration made under paragraphs (1) or (2) will be made by any partner acting on behalf of the partnership.

(4) An application for registration made under paragraph (1) or (2) will—

- (a) be submitted in writing or online;
- (b) contain the information set out in Schedule 8 which, will be submitted in the format published by the appropriate authority under regulation 77; and
- (c) be accompanied by evidence that the operator of the scheme has been approved by the appropriate authority under regulation 55.

(5) An application for registration will be granted where—

- (a) the operator of the scheme has complied with the requirements of paragraph (4);
- (b) the scheme has been approved by the appropriate authority under regulation 55; and
- (c) the producer or the authorised representative who is the subject of the application is not already registered with an appropriate authority under this regulation in relation to the relevant compliance period.

(6) Where an application for registration is granted in respect of any compliance period, the appropriate authority will, on or before 15th January of that compliance period or within 28 days of the date of an application made under paragraph (2), whichever is the later—

- (a) confirm to the operator of the scheme in writing that specified scheme members are registered with it for that compliance period; and
- (b) subject to paragraph (11), issue an EEE producer registration number for each registered scheme member.

(7) Where an application for registration made under paragraph (1) is granted, the registration of any scheme member who is the subject of that application will take effect for the whole of the compliance period in respect of which the application was made.

(8) Where an application for registration made under paragraph (2) is granted, the registration of any scheme member who is the subject of that application will take effect from the date the application is granted or the date of the commencement of the relevant compliance period, whichever is the later, until the end of the relevant compliance period.

(9) Any information provided to the appropriate authority under this regulation will be as accurate and complete as reasonably possible.

(10) Where a scheme member notifies a scheme operator of a change in their details under regulation 18(2), a scheme operator will notify the appropriate authority of this change within 28 days of receiving notification from the scheme member.

(11) Where a scheme member has been issued with an EEE producer registration number by an appropriate authority in respect of a previous application made under this regulation within the last five years, the appropriate authority will not issue a new EEE producer registration number but will confirm to the operator of the scheme that that scheme member will retain his previous EEE producer registration number.

#### **Notification of new scheme**

**27.**—(1) Where a producer or an authorised representative becomes a member of a scheme in respect of a particular compliance period and is already registered with an appropriate authority in relation to that compliance period, the operator of the scheme will notify that appropriate authority within 28 days of the date when that producer or authorised representative becomes a member of the scheme.

(2) A notification made under paragraph (1) will—

- (a) be made in writing;
- (b) contain the information set out in Schedule 8, which will be submitted in the format published by the appropriate authority under regulation 77; and
- (c) be accompanied by evidence that the scheme has been approved by the appropriate authority under regulation 55.

(3) Any information provided to the appropriate authority under this regulation will be as complete and accurate as reasonably possible.

#### **Financing: WEEE from private households**

**28.**—(1) Where regulation 14(7) applies in relation to a scheme, the operator of that scheme will be responsible for financing the costs referred to in regulation 11(1) for which each scheme member is responsible under regulation 11 in any compliance period, or any part of a compliance period, during which his membership of that scheme subsists.

(2) It will be the duty of the appropriate authority to determine the amount of relevant WEEE for which each operator of a scheme will be responsible under paragraph (1) by applying the calculation set out in paragraph (3).

(3) The amount of the relevant WEEE for which each operator of a scheme will be responsible under paragraph (2) will be calculated in relation to each of the categories of EEE as follows—

$$(A \div B) \times C$$

where—

“A” is the total amount in tonnes of EEE intended for use by private households and falling within one of the categories of EEE (“the relevant category”) that has been placed on the market in the United Kingdom by all scheme members in the previous compliance period, or part of the previous compliance period (“the relevant compliance period”) during which their membership of that scheme subsists;

“B” is the total amount in tonnes of EEE intended for use by private households and falling within the relevant category that has been placed on the market in the United Kingdom by all producers in the same compliance period used in “A”; and

“C” is the total amount in tonnes of WEEE from private households which is waste from electrical or electronic equipment that falls within the relevant category which the Secretary of State has determined under paragraph (5) to be the total amount in tonnes to be financed by producers in that category in the compliance period that follows compliance period used in “A”.

(4) Where paragraph (1) applies—

(a) it will be the duty of the appropriate authority to determine the amount of relevant WEEE for which that operator of a scheme will be responsible under paragraph (2) by using the calculation set out in paragraph (3); and

(b) the appropriate authority will serve a notification in writing on that operator of a scheme specifying the total amount in tonnes of WEEE for which he will be responsible under this regulation on or before 31st March of the relevant compliance period.

(5) For each compliance period, the Secretary of State will, after consultation with such persons or bodies as appear to him representative of the interests concerned—

(a) set the amount in tonnes of WEEE falling within each category of EEE, that is to be financed by all producers to whom paragraph (1) applies who have placed EEE onto the market in the same compliance period used in A; and

(b) determine whether it is appropriate to deduct any of the following—

(i) an estimate of non-obligated WEEE,

(ii) an estimate of WEEE arising, that has been properly treated in compliance with the requirements of the Directive outside the system for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE; and

(iii) an estimate of WEEE arising that will be retained under regulation 53

from the amount in tonnes of WEEE to be collected in the United Kingdom each compliance period.

(6) The total amount in tonnes of WEEE for which a scheme is responsible in each compliance period is the aggregate of their obligations in each category of EEE in that compliance period.

(7) A notification served under paragraph (4)(b) will include the following information—

(a) the relevant compliance period;

(b) the amount in tonnes of the relevant WEEE, by reference to the categories of EEE, for which the appropriate authority has determined that the scheme will be responsible under paragraph (1);

- (c) an explanation of how the amount of the relevant WEEE referred to in sub-paragraph (b) has been determined using the calculation set out in paragraph (3).
- (8) For the purpose of determining the amount of relevant WEEE for which a scheme will be responsible under paragraph (1) using the calculation set out in paragraph (3)—
- (a) the appropriate authority will take account of the information provided to it—
- (i) during the transitional period, in compliance with regulations 35 and 37 in relation to the previous compliance period, or
  - (ii) from 1st January 2019, in compliance with regulations 36 and 38 in relation to the previous compliance period, and
  - (iii) where sub-paragraph (i) or (ii) applies, by that producer or the authorised representative in compliance with a notification served under regulation 58(3); and
- (b) where any of the information referred to in sub-paragraph (a) has not been provided to it for any reason, the appropriate authority will make a reasonable estimate of what such information would have been had it been provided as required.
- (9) Where paragraph (8)(b) applies, the appropriate authority will take account of any relevant information that is available to it in making a reasonable estimate.
- (10) In this regulation,
- (a) during the transitional period, “categories of EEE” means—
- (i) the categories of EEE listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels),
  - (ii) display equipment,
  - (iii) appliances containing refrigerants,
  - (iv) gas discharge lamps and LED light sources; and
  - (v) photovoltaic panels; and
- (b) from 1st January 2019, “categories of EEE” means the categories of EEE listed in Schedule 3.
- (11) Where the appropriate authority grants an application made under regulation 26(2) or receives a notification under regulation 26(10) that may have the effect of changing the amount of relevant WEEE for which that operator of a scheme will be responsible under paragraph (1) the appropriate authority will—
- (a) re-determine the amount of relevant WEEE for which that operator of a scheme will be responsible under paragraph (2) by using the calculation set out in paragraph (4)(a); and
  - (b) serve a revised notification on that operator of a scheme in accordance with paragraph 4(b) within 28 days of the grant being approved or the notification being received by the appropriate authority.
- (12) Where the appropriate authority issues a revised notification under paragraph 11(b), any notification that:
- (a) has been issued under paragraph 4(b), and;
  - (b) relates to the same compliance period as the revised notification;
- will be superseded by the revised notification issued under paragraph 11(b).

### **Financing: WEEE from users other than private households**

**29.**—(1) Where regulation 14(8) applies in relation to a scheme, the operator of that scheme will be responsible for financing the costs referred to in regulation 12(1) for which each scheme member

is responsible under regulation 12 in any compliance period, or any part of a compliance period, during which his membership of that scheme subsists.

(2) Nothing in paragraph (1) will prevent an operator of a scheme who is acting on behalf of a scheme member from concluding an agreement whereby the parties to the agreement make alternative arrangements between themselves to finance the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE.

### **Prioritisation of the reuse of whole appliances**

**30.** In respect of any WEEE for which it is responsible under these Regulations, an operator of a scheme will ensure that systems are set up to prioritise the reuse of whole appliances.

### **Treatment**

**31.—**(1) In respect of any WEEE for which it is responsible under these Regulations, an operator of a scheme will ensure—

- (a) that systems are set up to provide for the separate collection and treatment of such WEEE using the best available collection, treatment, recovery and recycling techniques; and
- (b) that such WEEE is—
  - (i) treated at an ATF, or
  - (ii) exported by an approved exporter for treatment outside the United Kingdom.

(2) Paragraph (1)(b) does not apply to WEEE reused as a whole appliance.

### **Recovery**

**32.—**(1) In respect of any WEEE for which it is responsible under these Regulations, an operator of a scheme will ensure—

- (a) that systems are set up to provide for the recovery of such WEEE; and
- (b) that such WEEE is—
  - (i) recovered or recycled by a reprocessor, or
  - (ii) exported by an approved exporter for recovery or recycling outside the United Kingdom.

(2) Paragraph 1(b) will not apply to WEEE reused as a whole appliance.

### **Payment of a compliance fee**

**33.—**(1) Where a scheme has not financed the collection, treatment, recovery and environmentally sound disposal of the total amount of WEEE in each of the WEEE categories for which its members are responsible under regulation 11, through—

- (a) collecting WEEE from designated collection facilities; or
- (b) collecting WEEE that has been returned under regulation 43 or 52 but is not deposited at a designated collection facility; or
- (c) arrangements with third parties; or
- (d) a combination of (a), (b) and (c);

the operator of that scheme may choose to finance the collection, treatment, recovery and environmentally sound disposal of the amount of WEEE in tonnes which is equal to the amount in tonnes of WEEE which that scheme has not collected within the compliance period by paying a compliance fee.

(2) The amount of WEEE for which any scheme that chooses to pay the compliance fee under paragraph (1) will be responsible, will be calculated in relation to each of the categories of EEE as follows—

$$(A \div B) \times C - D$$

where—

“A” is the total amount in tonnes of EEE intended for use by private households and falling within one of the categories of EEE (“the relevant category”) that has been placed on the market in the United Kingdom by all of the members of a particular scheme in the previous compliance period, or part of the previous compliance period (“the relevant compliance period”) during which their membership of that scheme subsists;

“B” is the total amount in tonnes of EEE intended for use by private households and falling within the relevant category that has been placed on the market in the United Kingdom by all producers in the same compliance period used in “A”;

“C” is the total amount in tonnes of WEEE from private households which is waste from electrical or electronic equipment that falls within the relevant category which the Secretary of State has determined under regulation 28(5) to be the total amount in tonnes to be financed by producers in that category in the compliance period that follows compliance period used in “A”; and

“D” is the total amount in tonnes of WEEE from private households that has been financed by the scheme in the relevant category during the compliance period used in “A”.

(3) A scheme operator who elects to pay the compliance fee referred to in paragraph (1) must ensure that the fee is paid to a third party approved by the Secretary of State under regulation 76 by 31st March in the compliance period following that to which the fee relates.

### Collection Arrangements

**34.**—(1) In each compliance period, the operator of a designated collection facility may contact the operator of any scheme that has been approved under regulation 55 for the purposes of complying with the obligations imposed on that scheme under regulation 28 and request that operator of a scheme arranges for the collection, treatment, recovery and environmentally sound disposal of the WEEE that has been deposited at a facility (“the specified facility”) provided that the operator of the specified facility—

- (a) is a local authority or is acting on behalf of a local authority; and
- (b) has, either during the compliance period in which the request is made or in the previous compliance period, been party to an arrangement with a scheme for the collection, treatment, recovery and environmental disposal of WEEE deposited at its facilities, which has lapsed.

(2) Nothing in this regulation prevents the operator of the specified facility from contacting the operator of more than one scheme before making a request under paragraph (1).

(3) Any scheme that receives a request under paragraph (1) will arrange for collection, treatment, recovery and environmentally sound disposal of the WEEE that has been deposited at the specified facility.

(4) Nothing in this regulation will prevent a scheme who receives a request under paragraph (1) from entering into an arrangement with another scheme or schemes to collect the WEEE that has been deposited at the specified facility.

(5) Nothing in this regulation obliges a scheme receiving a request from a designated collection facility under paragraph (1) to comply with their obligations in that paragraph in relation to WEEE falling within a WEEE stream to which the operator of that facility has received approval to retain under regulation 53 during the compliance period in which the request under paragraph (1) is made.

### **Reporting: WEEE during the transitional period**

- 35.**—(1) An operator of a scheme must provide to the appropriate authority information on—
- (a) the total amount in tonnes of WEEE that the operator has been responsible for collecting from a designated collection facility;
  - (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 for treatment outside the United Kingdom;
  - (c) the total amount in tonnes of WEEE that has been returned to the operator under regulation 43;
  - (d) the total amount in tonnes of WEEE that the operator has taken back under regulation 50;
- during a relevant compliance period.
- (2) The information referred to in paragraph (1) must be—
- (a) in writing;
  - (b) either submitted in the format published by the appropriate authority under regulation 79 or online; and
  - (c) provided—
    - (i) on or before 30th April in a relevant compliance period in respect of the first quarter period in that compliance period,
    - (ii) on or before 31st July in a relevant compliance period in respect of the second quarter period in that compliance period,
    - (iii) on or before 31st October in a relevant compliance period in respect of the third quarter period in that compliance period; and
    - (iv) on or before 31st January in the year immediately following the end of a relevant compliance period in respect of the fourth quarter period in that compliance period.
- (3) The information referred to in paragraph (1) will, during the transitional period—
- (a) specify the amount in tonnes of WEEE by reference to each of the following categories—
    - (i) the categories listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels),
    - (ii) display equipment,
    - (iii) appliances containing refrigerants,
    - (iv) gas discharge lamps and LED light sources; and
    - (v) photovoltaic panels; and
  - (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.
- (4) The information referred to in paragraph (1)(b) will specify to which AATF or approved exporter the relevant WEEE was delivered.

### **Reporting: WEEE from 1st January 2019**

- 36.**—(1) From 1st January 2019, an operator of a scheme must provide to the appropriate authority information on—

- (a) the total amount in tonnes of WEEE that the operator has been responsible for collecting from a designated collection facility;
  - (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 for treatment outside the United Kingdom;
  - (c) the total amount in tonnes of WEEE that has been returned to the operator under regulation 43;
  - (d) the total amount in tonnes of WEEE that the operator has taken back under regulation 50;
- during a relevant compliance period.
- (2) The information referred to in paragraph (1) must be provided—
    - (i) on or before 30th April in a relevant compliance period in respect of the first quarter period in that compliance period,
    - (ii) on or before 31st July in a relevant compliance period in respect of the second quarter period in that compliance period,
    - (iii) on or before 31st October in a relevant compliance period in respect of the third quarter period in that compliance period; and
    - (iv) on or before 31st January in the year immediately following the end of a relevant compliance period in respect of the fourth quarter period in that compliance period.
  - (3) The information referred to in paragraph (1) must be—
    - (a) in writing;
    - (b) either submitted in the format published by the appropriate authority under regulation 79 or online;
    - (c) specify the amount in tonnes of WEEE by reference to each of the categories listed in Schedule 3; and
    - (d) for each category referred to in regulation 35(3)(a), specify the amount in tonnes of—
      - (i) WEEE from private households; and
      - (ii) WEEE from users other than private households.
  - (4) The information referred to in paragraph (1)(b) will specify to which AATF or approved exporter the relevant WEEE was delivered.

### **Reporting: EEE placed on the market during the transitional period**

**37.—**(1) An operator of a scheme must provide to the appropriate authority information on the total amount in tonnes of EEE that each member of that scheme has placed on the market in the United Kingdom in each compliance period, or part of a compliance period, during which his membership of that scheme subsists.

- (2) The information referred to in paragraph (1) will, during the transitional period—
  - (a) be provided in writing or online;
  - (b) specify the amount in tonnes of EEE by reference to each of the following categories—
    - (i) the categories listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels),
    - (ii) display equipment,
    - (iii) appliances containing refrigerants,
    - (iv) gas discharge lamps and LED light sources; and

- (v) photovoltaic panels;
- (c) for each category referred to in sub-paragraph (b), specify the amount in tonnes of—
  - (i) EEE from private households; and
  - (ii) EEE from users other than private households;
- (d) be provided for EEE intended—
  - (i) for use by private households for each quarter period of a relevant compliance period on or before the last day of the month that immediately follows the end of that quarter period, and
  - (ii) for use by users other than private households on or before 31st January of the year immediately following the end of the relevant compliance period;
- (e) be submitted in the format published in regulation 79.

### **Reporting: EEE placed on the market from 1st January 2019**

**38.**—(1) From 1st January 2019, an operator of a scheme must provide to the appropriate authority information on the total amount in tonnes of EEE that each member of that scheme has placed on the market in the United Kingdom in each compliance period, or part of a compliance period, during which his membership of that scheme subsists.

- (2) From 1st January 2019 the information referred to in paragraph (1) will—
  - (a) be in writing; and
  - (b) specify the amount in tonnes of EEE by reference to each of the categories in Schedule 3;
  - (c) for each category referred to in sub-paragraph (b), specify the amount in tonnes of—
    - (i) EEE from private households; and
    - (ii) EEE from users other than private households.
- (3) The information referred to in paragraph (1) will be provided for EEE intended—
  - (a) for use by private households for each quarter period of a relevant compliance period on or before the last day of the month that immediately follows the end of that quarter period;
  - (b) for use by users other than private households on or before 31st January of the year immediately following the end of the relevant compliance period; and
  - (c) will be submitted in the format published by the appropriate authority under regulation 79.

### **Declaration of compliance**

- 39.**—(1) Where an operator of a scheme has any obligation in relation to—
- (a) WEEE from private households under regulation 28, 31 or 32; or
  - (b) WEEE from users other than private households under regulation 29, 31 or 32 during a relevant compliance period

that operator of a scheme will provide a declaration of compliance to the appropriate authority on or before 31st March of the year that immediately follows the end of that compliance period.

- (2) A declaration of compliance must—
  - (a) be made in writing;
  - (b) include the information set out in Part 2 of Schedule 7;
  - (c) be accompanied by copies of all evidence notes acquired in respect of the relevant compliance period to which the declaration relates; and

- (d) where a scheme operator has elected to pay a compliance fee in relation to regulation 33, contain evidence that the compliance fee has been paid.
- (3) Where an operator of a scheme is under an obligation to provide a declaration of compliance under this regulation, that declaration will be signed by—
  - (a) where that operator of a scheme is an individual, that individual;
  - (b) where that operator of a scheme is a partnership, a partner;
  - (c) where that operator of a scheme is a body registered in the United Kingdom, a director of that body; and
  - (d) where that operator of a scheme is a body that is not registered in the United Kingdom, the individual who has control or management of that body.

#### **Record keeping: transitional period**

**40.**—(1) Each operator of a scheme who has obligations under regulation 28, 29, 31 or 32 in relation to any compliance period, or any part of a compliance period will, during the transitional period, keep records of the following information—

- (a) the amount in tonnes of all WEEE which that operator of a scheme has delivered to or collected from or caused to be deposited at or collected from—
  - (i) a designated collection facility,
  - (ii) an AATF, or
  - (iii) an approved exporter, during that compliance period, or that part of a compliance period;
- (b) the categories of the WEEE referred to in sub-paragraph (a) by reference to—
  - (i) each of the categories listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels),
  - (ii) display equipment,
  - (iii) appliances containing refrigerants,
  - (iv) gas discharge lamps and LED light sources; and
  - (v) photovoltaic panels;
- (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
- (d) the amount in tonnes of WEEE reused as a whole appliance.

(2) The records referred to in this regulation 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.

#### **Record keeping: From 1st January 2019**

**41.**—(1) From 1st January 2019, an operator of a scheme who has obligations under regulation 28, 29, 31 or 32 in relation to any compliance period, or any part of a compliance period, will keep records of the following information—

- (a) the amount in tonnes of all WEEE which that operator of a scheme has delivered to or collected from or caused to be deposited at or collected from—
  - (i) a designated collection facility,

- (ii) an AATF, or
  - (iii) an approved exporter, during that compliance period, or that part of a compliance period;
  - (b) the categories of the WEEE referred to in sub-paragraph (a) by reference to each of the categories listed in Schedule 3; and
  - (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
  - (d) the amount in tonnes of WEEE reused as a whole appliance.
- (2) The records referred to in this regulation 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.