2014 No. 1771

ENVIRONMENTAL PROTECTION

The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014

Made - - - - 2nd July 2014
Laid before Parliament - - 4th July 2014
Coming into force - - 25th July 2014

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in respect of matters relating to the prevention and recovery of waste electrical and electronic equipment and matters relating to the restriction of the use of Certain hazardous substances in Electrical and Electronic Equipment.

The Secretary of State, in exercise of the powers conferred on him by section 2(2) of that Act, makes the following Regulations.

Citation commencement and application

1. These Regulations—

(a) may be cited as the Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014; and

(b) come into force on 25th July 2014.

Amendments 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 regulations 16(2)(d)(iii), 55(4)(c)(ii), 57(f)(ii), 61(1)(c)(ii) and 62(1)(c)(ii) for “The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006” substitute

(a) S.I. 2004/706.
(b) 1972 c. 68. 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.
(c) S.I. 2013/3113.
“The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2014(a)”.  

(3) In regulation 33 (payment of a compliance fee) for the definition of “D” in paragraph (2) substitute—

““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 “C”.”.

(4) In regulation 37 (reporting: EEE placed on the market during the transitional period) for paragraph 2(c) substitute—

“(c) for each category of EEE referred to in sub-paragraph (b), specify the amount in tonnes of—

(i) EEE intended for use by private households; and

(ii) EEE intended for use by users other than private households.”.

(5) In regulation 38 (reporting: EEE placed on the market from 1st January 2019) for paragraph (2)(c) substitute—

“(c) for each category of EEE referred to in sub-paragraph (b), specify the amount in tonnes of—

(i) EEE intended for use by private households; and

(ii) EEE intended for use by users other than private households.”.

(6) For regulation 51 (prohibition on showing the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households) substitute—

“A person must not show a purchaser at the time of sale of new EEE the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households.”.

(7) In regulation 53 (notification of an intention to retain WEEE falling within certain WEEE streams)—

(a) for paragraph (1) substitute—

“(1) Where the operator of a designated collection facility is a local authority, that operator may retain WEEE in any compliance period, which—

(a) falls within one of the six WEEE collection streams; and

(b) has been deposited for collection at a designated collection facility that he operates”; and

(b) for paragraph 2(d) substitute—

“(d) provide data relating to the tonnage of WEEE deposited at the designated collection facility in the compliance period before the compliance period during which the operator intends to retain WEEE in relation to each of the six WEEE collection streams that the operator intends to retain; and”.

(8) In regulation 61 (application for approval) for paragraph (3)(b)(iii) substitute—

“(iii) the applicant must comply with the conditions referred to in regulation 63(2); and”.

(9) In regulation 69 (take back: application to use existing collection facilities) for paragraph (1) substitute—

“(1) Where a distributor to whom regulation 42(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 must—

(a) comply with all the obligations which a take back scheme must discharge on behalf of its members; or

(b) submit an application to the Secretary of State requesting to use existing take back facilities.”.

(10) In regulation 75 (duties of the appropriate authority in relation to registration of small producers) in paragraphs (1)(c) and (3) for the words “regulation 79” substitute “regulation 77”.

(11) In regulation 76 (approval of compliance fee: methodology and administration) for paragraph (3) substitute—

“(3) The Secretary of State must publish the methodology for the calculation of a compliance fee where one has been approved in accordance with paragraph (1).”.

(12) In regulation 78 (monitoring) for paragraph (g) substitute—

“(g) the accuracy of the information provided by operators of schemes in support of or in connection with an application for approval under regulation 55, together with any changes notified in accordance with regulation 57(e);”.

(13) In regulation 81 (Approval of authorised treatment facilities and exporters) in paragraph (1) for the words “will be under a duty to” substitute “must”.

(14) In regulation 88 (Enforcement notice) for paragraph (1) substitute—

“(1) Where an enforcement authority has reasonable grounds for suspecting that any of the requirements of the following regulations have not been complied with—

(a) regulations 11 to 24;
(b) regulations 25 to 41 and 57;
(c) regulations 42, 44 and 45, and;
(d) regulations 54, 61, 63, 66 and 67;

it may serve an enforcement notice on—

(i) in a case under sub-paragraph (a), the producer or an authorised representative,
(ii) in a case under sub-paragraph (b), the operator of the scheme,
(iii) in a case under sub-paragraph (c), the distributor, and
(iv) in a case under sub-paragraph (d), the operator of the AATF or approved exporter (as the case may be).”.

(15) For regulation 91 (Penalties) substitute—

“91.—(1) A person who is guilty of an offence under regulation 90(1), (3), (5), (7) or (8) will be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to a fine.

(2) A person who is guilty of an offence under regulation 82(6), 89(10) or 90 (2), (4), (6), (9), (10), (11), (12), (13) or (15) will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(16) In schedule 12, paragraphs (5) and (6) are deleted.

Substitution of the word ‘will’ for the word ‘must’

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

(2) In the regulations, schedule and part of a schedule set out in Schedule 1 to these Regulations for every use of the word ‘will’ substitute the word ‘must’.

(3) In the regulations set out in schedule 2 to these Regulations, substitute the word ‘will’ for ‘must;’ as set out in column 3 of that schedule.
Amendments to the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

4.—(1) The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(a) are amended as follows.

(2) In regulation 23, for paragraph (b)(iii) substitute—

“(iii) complied with regulation 18 (information identifying EEE and manufacturer).”

(3) In regulation 23, delete paragraph (b)(iv).

Michael Fallon
Parliamentary Under Secretary of State for Business, Innovation and Skills
2nd July 2014
Department for Business, Innovation and Skills

SCHEDULES

SCHEDULE 1

Provisions in which the word ‘must’ replaces all use of the word ‘will’

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3. Regulation 20 (record Keeping)
4. Regulation 21 (declaration of EEE producer registration number)
5. Regulation 22 (marking EEE with the crossed out wheeled bin symbol)
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SCHEDULE 2
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PART 1
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**PART 2**

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**EXPLANATORY NOTE**

(This note is not part of the Regulations)

These Regulations amend the Waste Electrical and Electronic Equipment Regulations 2013 (S.I. 3113/2013) (“the 2013 regulations”) and the Restriction of the Use of Certain Hazardous

Regulation 2 substitutes references to The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006 with references to The Waste Electrical and Electronic Equipment Regulations (Northern Ireland) 2014. Regulation 2 also corrects minor drafting errors in regulation 33 (payment of a compliance fee), regulation 37 (reporting: EEE placed on the market during the transitional period) and regulation 38 (reporting: EEE placed on the market from 1st January 2019) regulation 53 (notification of the intention to retain WEEE failing within certain WEEE streams), regulation 61 (application for approval), regulation 69 (take back: Application to use existing collection facilities), regulation 75 (duties of the appropriate authority in relation to registration of small producers), regulation 76 (approval of compliance fee: methodology and administration), regulation 78 (monitoring), regulation 81 (approval of authorised treatment facilities and exporters), regulation 88 (enforcement notice), regulation 91 (penalties) and deletes paragraphs (5) and (6) of Schedule 12 of the 2013 regulations.

Regulation 3 and Schedules 1 and 2 of these Regulations also amend the 2013 regulations to reflect the observations of the Joint Committee on Statutory Instruments in their Twentieth Report of session 2013-14.


No impact assessment has been carried out on this instrument as no effect on the cost of business and the voluntary sector is foreseen. Two full impact assessments of the effect that the Waste Electrical and Electronic Equipment Regulations 2013 will have on the cost to business and the voluntary sector have been prepared. A full impact assessment of the effect that the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 will have on the cost of business and the voluntary sector has also been prepared. These impact assessments can be obtained from the Advanced Manufacturing Services Directorate, Department for Business Innovation and Skills, 1 Victoria Street, London SW1H 0ET and at:


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