
STATUTORY INSTRUMENTS

2006 No. 3289

**The Waste Electrical and Electronic
Equipment Regulations 2006**

PART 4

SCHEME OBLIGATIONS

Registration of producers

19.—(1) Subject to paragraph (2), an operator of a scheme shall register each producer who is a member of that scheme 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) shall not apply where regulation 21 applies.

Application to register producers

20.—(1) Subject to paragraph (2), an operator of a scheme who is required by regulation 19 to register the scheme members of that scheme shall 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 31st October in the year immediately preceding the commencement of that compliance period.

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

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

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

- (a) be in writing;
- (b) contain the information set out in Schedule 6, which shall be submitted in the format published by the appropriate authority under regulation 60; and
- (c) be accompanied by evidence that the operator of the scheme has been approved by the appropriate authority under regulation 41.

(5) An application for registration shall 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 41; and
- (c) the producer 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 shall, on or before 1st December of the year immediately preceding the commencement of that compliance period—

- (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 (10), 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 shall 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 shall 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 shall be as accurate as reasonably possible.

(10) 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 shall not issue a new EEE producer registration number but shall confirm to the operator of the scheme that that scheme member will retain his previous EEE producer registration number.

Notification of new scheme members

21.—(1) Where a producer 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 shall notify that appropriate authority within 28 days of the date when that producer becomes a member of the scheme.

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

- (a) be made in writing;
- (b) contain the information set out in Schedule 6, which shall be submitted in the format published by the appropriate authority under regulation 60; and
- (c) be accompanied by evidence that the scheme has been approved by the appropriate authority under regulation 41.

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

Financing: WEEE from private households

22.—(1) Where regulation 10(5) applies in relation to a scheme, the operator of that scheme shall be responsible for financing the costs referred to in regulation 8(1) for which each scheme member is responsible under regulation 8 in any compliance period, or any part of a compliance period, during which his membership of that scheme subsists.

(2) It shall be the duty of the appropriate authority to determine the amount of relevant WEEE for which each operator of a scheme shall 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 shall be responsible under paragraph (2) shall 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 put on the market in the United Kingdom by all of the members of a particular scheme in a particular compliance period, or part of a particular 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 put 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 the relevant WEEE which is waste from electrical or electronic products that fall within the relevant category that—

- (a) is deposited at a designated collection facility; or
- (b) is returned under regulation 32 but is not deposited at a designated collection facility,

in the same relevant compliance period used in “A”.

(4) Where paragraph (1) applies—

- (a) the appropriate authority shall serve a preliminary notification in writing on that operator of a scheme specifying the amount of the relevant WEEE for which he shall be responsible under this regulation on or before 1st April of the year that immediately follows the relevant compliance period; and
- (b) the appropriate authority shall serve a final notification in writing on that operator of a scheme specifying the amount of the relevant WEEE for which he shall be responsible under this regulation on or before 1st May of the year that immediately follows the relevant compliance period.

(5) A notification given under paragraph (4)(a) shall 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 that operator of a scheme shall 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); and
- (d) that the operator of the scheme may make representations in writing to the appropriate authority in relation to the determination referred to in sub-paragraph (b) within 14 days of the date of the notification.

(6) A notification given under paragraph (4)(b) shall include the information referred to in paragraph (5)(a), (b) and (c).

(7) For the purpose of determining the amount of relevant WEEE for which each operator of a scheme shall be responsible under paragraph (1) using the calculation set out in paragraph (3)—

- (a) the appropriate authority shall take account of any information provided to it in compliance with regulations 27 and 28 in relation to the relevant compliance period; 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 shall make a reasonable estimate of what such information would have been had it been provided as required.

(8) Where paragraph (7)(b) applies, the appropriate authority shall take account of any relevant information that is available to it in making a reasonable estimate.

(9) In this regulation,

(a) “categories of EEE” means—

- (i) the categories of EEE 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

(b) “relevant WEEE” has the meaning given in paragraph (1).

Financing: WEEE from users other than private households

23.—(1) Where regulation 10(6) applies in relation to a scheme, the operator of that scheme shall be responsible for financing the costs referred to in regulation 9(1) for which each scheme member is responsible under regulation 9 in any compliance period, or any part of a compliance period, during which his membership of that scheme subsists.

(2) Nothing in paragraph (1) shall 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.

Prioritise the reuse of whole appliances

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

Treatment

25.—(1) In respect of any WEEE for which he is responsible under these Regulations, an operator of a scheme shall ensure—

- (a) that systems are set up to provide for the treatment of such WEEE using the best available 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

26.—(1) In respect of any WEEE for which he is responsible under these Regulations, an operator of a scheme shall 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) By the end of any relevant compliance period, each operator of a scheme shall meet the following targets for WEEE sent for treatment in accordance with these Regulations—

- (a) for WEEE that falls within categories 1 and 10 of Schedule 1,
 - (i) at least 80% recovery by the average weight in tonnes of the equipment,
 - (ii) at least 75% reuse and recycling of components, materials and substances by the average weight in tonnes of the equipment;
 - (b) for WEEE that falls within categories 3 and 4 of Schedule 1,
 - (i) at least 75% recovery by the average weight in tonnes of the equipment;
 - (ii) at least 65% reuse and recycling of components, materials and substances by the average weight in tonnes of the equipment;
 - (c) for WEEE that falls within categories 2, 5, 6, 7 and 9 of Schedule 1,
 - (i) at least 70% recovery by the average weight in tonnes of the equipment;
 - (ii) excluding gas discharge lamps, at least 50% reuse and recycling of components, materials and substances by the average weight in tonnes of the equipment;
 - (d) for gas discharge lamps, at least 80% reuse and recycling of components, materials and substances by the average weight in tonnes of the lamps.
- (3) Paragraphs (1)(b) and (2) shall not apply to WEEE reused as a whole appliance.

Reporting: WEEE

27.—(1) An operator of a scheme shall provide to the appropriate authority information on—

- (a) the total amount in tonnes of WEEE that he has been responsible for—
 - (i) collecting from a designated collection facility; and
 - (ii) delivering to an AATF for treatment or an approved exporter for treatment outside the United Kingdom; and
- (b) the total amount in units of WEEE that he has been responsible for making available for reuse as a whole appliance,

during a relevant compliance period.

(2) The information referred to in paragraph (1) shall be—

- (a) in writing;
- (b) submitted in the format published by the appropriate authority under regulation 60; and
- (c) provided—
 - (i) on or before 1st May in a relevant compliance period in respect of the first quarter period in that compliance period;
 - (ii) on or before 1st August in a relevant compliance period in respect of the second quarter period in that compliance period;
 - (iii) on or before 1st November in a relevant compliance period in respect of the third quarter period in that compliance period; and
 - (iv) on or before 1st February 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)(a) shall—

- (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, cooling appliances containing refrigerants and gas discharge lamps),
 - (ii) display equipment,
 - (iii) cooling appliances containing refrigerants, and

- (iv) gas discharge lamps; and
- (b) for each category referred to in sub-paragraph (a), specify the amount in tonnes of WEEE intended for use—
 - (i) by private households; and
 - (ii) by users other than private households.

Reporting: EEE put on the market

28.—(1) An operator of a scheme shall provide to the appropriate authority information on the total amount in tonnes of EEE that each member of that scheme has put 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) shall—
 - (a) be in writing;
 - (b) specify the amount of EEE by reference to each of 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;
 - (c) for each category referred to in sub-paragraph (b), specify the amount in tonnes of EEE intended for use—
 - (i) by private households; and
 - (ii) by users other than private households;
 - (d) be provided 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
 - (e) be submitted in the format published by the appropriate authority under regulation 60.

Declaration of compliance

29.—(1) Where an operator of a scheme has any obligation in relation to—

- (a) WEEE from private households under regulation 22, 25 or 26; or
- (b) WEEE from users other than private households under regulation 23, 25 or 26,

during a relevant compliance period he shall provide a declaration of compliance to the appropriate authority on or before 1st June of the year that immediately follows the end of that compliance period.

- (2) A declaration of compliance shall—
 - (a) be in writing;
 - (b) include the information set out in Part 2 of Schedule 5; and
 - (c) be accompanied by copies of all evidence notes acquired in respect of the relevant compliance period to which the declaration relates.
- (3) Where an operator of a scheme is under an obligation to provide a declaration of compliance under this regulation, that declaration shall 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

30.—(1) Each operator of a scheme who has obligations under regulation 22, 23, 25 or 26 in relation to any compliance period, or any part of a compliance period, shall 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, cooling appliances containing refrigerants and gas discharge lamps),
 - (ii) display equipment,
 - (iii) cooling appliances containing refrigeration, and
 - (iv) gas discharge lamps,
- (c) for each category referred to in sub-paragraph (b), the amount in tonnes of WEEE intended for use by—
 - (i) private households, and
 - (ii) users other than private households; and
- (d) the amount in units of WEEE reused as a whole appliance.

(2) The records referred to in this regulation shall be kept for a period of at least four years commencing on the date on which any such record is made and shall be made available to the appropriate authority on demand.